OMBUDSMAN **ONTARIO**

1999/2000 Annual Report

"The Ombudsman shall report annually upon the affairs of the Ombudsman's office to the speaker of the legislative assembly who shall cause the report to be laid before the assembly..." Ombudsman Act, S.11.

June 2000

Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 1999 to March 31, 2000, pursuant to Section 11 of the Ombudsman Act so that you may table it before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.
Ombudsman

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Clare Lewis, Q.C.

"Because individual complainants are the core focus of our work, there is a need to reach out to a broad range of constituencies to reinforce our presence and to make the public as a whole aware of our services."

OMBUDSMAN MESSAGE, 1999-2000

It is a privilege for me to introduce this annual report as my first formal opportunity to bring a message to the Legislature of Ontario, and through it, to the people of this province.

I first want to acknowledge my gratitude for the unanimous support my appointment as Ontario's fifth Ombudsman received from the members of the Legislature. When I was interviewed for the position by members of the Standing Committee on the Legislative Assembly representing the three political parties, I was reminded of the critical need for a strong, mutually respectful working relationship between the office of the Ombudsman and all elected members. An Ombudsman's credibility rests at least in part on the confidence of the sitting members. In this context I want to emphasize my commitment to act as a servant of the Legislature and to demonstrate continuously my accountability as one of its officers.

I would also like to state my appreciation for the work of my predecessor, Roberta Jamieson. She served with considerable distinction through three different administrations and set a unique standard for conduct and performance that will be a challenge to sustain. Ms Jamieson was unrelenting in promoting the principles of ombudsmanship through her wide travels and high profile among communities across Ontario, as well as nationally and internationally. In taking over the lead of this vital public service organization following a period of dramatic change in both its internal and external environments, I am indebted to her far-sighted and energetic leadership.

My appointment took effect at the end of January this year, following a period of three months during which Fiona Crean, Ombudsman Ontario's Executive Director, filled the position on an interim basis. Ms Crean and the very dedicated and talented staff at the Ombudsman's office worked through the uncertainty of this transition period with skill and perseverance. They have all been of enormous assistance to me in supporting my introduction to the office and in welcoming me with warmth, advice, and no small measure of hard work.

"The Ombudsman is intended to be an independent and impartial officer of the Legislative Assembly, mandated to investigate public complaint of error or unfairness in public administration and, when appropriate, to make recommendations for correction."

Because I took up the post with only two months remaining in the fiscal year covered by this annual report, most of the information contained within it reflects the work carried out before my mandate began. The period since my appointment on January 31, 2000 has presented interesting challenges as I learn the breadth and complexity of the issues involved in administering the provisions of the *Ombudsman Act*. My early review of complaints and inquiries from the public and my interaction with officials across a wide spectrum of public service have left one very important first impression.

That impression is the necessity of strengthening the relationships between this office and the many publics served by it. Because individual complainants are the core focus of our work, there is a need to reach out to a broad range of constituencies to reinforce our presence and to make the public as a whole aware of our services. It is also necessary for me and my staff to engage positively with public servants at all levels of decision-making to ensure the role and function of the Ombudsman's office is well understood and respected. Essential to that aim is our understanding of and respect for the important and often difficult work of those public servants. Their values, commitment, and efforts warrant our recognition and regard. I trust that my own background in public service and law has given me a solid grounding in the principles of administrative justice and in the values and operations of public institutions. There is of course much for me to discover, but I am determined to make sure my office is accessible, transparent, efficient and accountable in all its relationships.

The Ombudsman is intended to be an independent and impartial officer of the Legislative Assembly, mandated to investigate public complaint of error or unfairness in public administration and, when appropriate, to make recommendation for correction. The success of the Ombudsman in achieving positive results from such recommendations depends on the quality of the investigations and the objectively rational merit of the recommendations. The power of the Ombudsman is ultimately persuasive only, and that goal is best achieved through a clearly non-partisan and independent approach.

As Ombudsman, I am intent on achieving positive results from our early resolution efforts and through our investigations and recommendations by assuring government,

the Legislature, and the public service that our work is founded in a proper finding and cogent assessment of the facts of each case and a commitment to fairness for all individuals.

My staff are well prepared for this commitment, and are also anxious that I undertake a broad programme of public outreach to ensure that our service is not only available to, but broadly understood and valued by the public throughout this province. In adjusting to a smaller staff in the past few years, and in re-organizing to ensure effective service delivery, outreach has necessarily been curtailed. I have noted that the Greater Toronto area is significantly under-represented in our complaint intake. In this context, I intend to ensure that those in this area who might benefit from our service are informed of and confident in its availability and value.

This year's twenty-fifth anniversary of the passage of the *Ombudsman Act* represents an excellent opportunity to put these principles into practice. I have begun a planning process to schedule activities marking the anniversary in October of the appointment of Mr. Arthur Maloney, Q.C., as the province's first Ombudsman in 1975. I wish to use this occasion to celebrate the continuing achievements of this institution and to remind all our publics - the Legislature, government officials, media outlets, community organizations and the general population - that the creation of an Ombudsman's office was a momentous step forward in the evolution of our democracy. Twenty-five years later we must still be vigilant in ensuring the office remains relevant, dynamic, and visible as a cornerstone of our shared democratic values promoting accountability in the delivery of public services.

Although this report covers only a short period during which I was responsible for initiating and concluding the investigative work of the office, there are three examples I would like to highlight in this report. These include: an investigation into the Ministry of Transportation's administration of those portions of the *Highway 407 Act, 1998*, dealing with the collection of tolls and fees; the recurring evidence of systemic problems in the application of policy at the Ministry of Correctional Services; and the final disposition of four investigation reports tabled last year with the Legislature. Case stories on these matters are contained elsewhere in this report.

The Ministry of Transportation's (MTO) administration of the Highway 407 Act, 1998

As a result of a number of complaints to my office from individuals concerning MTO's practices relating to validation and issuance of vehicle permits I initiated an investigation into the Ministry's administration of those portions of the Act dealing with the collection of tolls and fees. In a letter to the Ministry's Deputy Minister following my investigation, I noted that because the Ministry is not required to monitor any aspect of customer service provided by the highway owner under the Act, and because the practice of license plate denial on the basis of non-payment of tolls had been suspended until further measures are in place, I would not be conducting any further investigation. I noted that although MTO was involved at various stages in the planning and execution of the privatization of Highway 407, another government organization led the process. I suggested that it was unfortunate neither the Act nor the Concession and Ground Lease Agreement covering its implementation contained accountability mechanisms related to legislative compliance regarding toll collection. In closing the file I commended MTO for its actions in responding to problems in a timely manner and recommended that the lessons learned in this case be shared with other Ontario Public Service agencies which may be involved with similar privatization initiatives. In particular, I stated: "This matter highlights the need in privatization initiatives for accountability mechanisms which will enable the government to ensure that the private sector partner acts fairly with the public."

Systemic problems in the application of policy at the Ministry Correctional Services

I am concerned with the recurring evidence presented in three separate investigations concluded this year that there is a systemic problem in the lack of consistent application of official policy and standing orders across correctional facilities in the province's prison system. Based on complaints received from inmates at various institutions, my office investigated a range of issues involving segregation procedures, use of force, and lost property. In all three of these investigations the evidence gathered showed a pattern wherein Ministry policy and institutional standing orders are not administered consis-

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tently. Significant issues affecting staff training and Ministry-wide communication and enforcement were identified, and tentative recommendations were made concerning the entitlements of inmates to minimum standards affecting hygiene, health care and fair and reasonable treatment based on Ministry policy and institutional standing orders. The tentative conclusions and recommendations in these investigations were all accepted by the Ministry and undertakings have been given to improve performance in these areas. I would like to note in this context that as privatization initiatives proceed in the Ministry, the issue of accountability in the treatment of inmates, as one indicator of overall security and efficiency in the administration of facilities, is likely to remain a matter of concern.

Final disposition of four investigation reports tabled with the Legislature.

In April 1999, my predecessor tabled with the Legislature four final investigation reports containing conclusions and recommendations not accepted by the government organizations involved. The reports included the case of Ms P and the Ontario Human Rights Commission (OHRC), and three investigations into service provision involving: the OHRC; the Family Responsibility Office (FRO) at the Ministry of the Attorney General; and the Adoption Disclosure Register at the Ministry of Community and Social Services. The normal practice is for such reports to be forwarded to a Standing Committee for public hearing.

When I took office these reports had not been disposed of by the Legislature, and accordingly, I initiated follow-up discussions with the organizations involved in an attempt to resolve the issues raised in the reports. Having concluded my review, on April 13, 2000 I wrote to the Chair of the Standing Committee on the Legislative Assembly to provide an update based on this activity. I withdrew all four reports. These included the case of Ms P, in which the OHRC agreed to provide a satisfactory resolution by apologizing and compensating the complainant for the manner in which it dealt with her case. With respect to the length of time in processing cases at OHRC and FRO, I stated that in my view the passage of time since these reports were prepared meant that the current operations of each of these program areas were not reflected in the reports, and consequently, no practical purpose would be served by a public hearing. I further noted my intention to

"As privatization initiatives proceed in the Ministry, the issue of accountability in the treatment of inmates, as one indicator of overall security and efficiency in the administration of facilities, is likely to remain a matter of concern."

monitor the issues raised in the reports through the normal course of our work addressing complaints as they arise. Finally, in the case of the Adoption Disclosure Registry, the Ministry of Community and Social Services has responded positively to the Ombudsman's recommendations, and allocated an additional $2.4 million to the program. The Ministry intends to hire an additional 24.5 staff and eliminate the ADR's backlog within 18 months.

Although certain high profile complaints and government program areas tend to receive wide publicity through Ombudsman reports and the media, I have noted in my brief tenure a largely unheralded, but enormously important feature of the daily work of the staff of the Ombudsman. In reviewing the case stories selected for inclusion in this report, I have been struck, and quite moved by the quiet and frequent resolution of complaints by staff, usually at an early stage. As a reading of these stories will reveal, my office regularly achieves redress for members of the public, often in matters which have considerable, and sometimes dire impact on the lives of those affected. These important resolutions are normally achieved by those staff members and their managers without the direct involvement of the Ombudsman. It is a testament to them, and to those many public servants with whom they interact, that government services are provided properly and fairly.

I have expressed my awareness of the privilege afforded me by this appointment. Throughout the coming five years, I shall make signal effort to ensure the relevance and effectiveness of this office in securing fairness to all in the administration of provincial government services.

Clare Lewis, Q.C., Ombudsman

YEAR IN REVIEW

"This has been a year of tremendous change for Ombudsman Ontario...Despite the uncertainty associated with a change in leadership, the work of the organization continued apace."

- Inside Ombudsman Ontario
- Statement of Expenditures
- Survey Reveals Data to Shape Service
- Complaints About Us
- Public Education and Outreach

INSIDE OMBUDSMAN ONTARIO: A YEAR OF TRANSITIONS

This has been another year of tremendous change for Ombudsman Ontario. In May 1999, Roberta Jamieson announced to the staff that she would not be seeking re-appointment and that she would be leaving office at the end of October. The Legislative Assembly of Ontario then undertook an open competition to seek a successor and announced the appointment of Fiona Crean, Executive Director, for a three-month period while the search for a permanent Ombudsman was under way. The budget for the Ombudsman's office for the fiscal year 1999/2000 was not approved by the Legislature's Board of Internal Economy until the end of November 1999.

Despite the uncertainty associated with a change in leadership, the work of the organization continued apace. Four final reports were tabled with the Legislature as the result of both individual and system-wide investigations (these investigations are reviewed elsewhere in this report). With the hiring of a Complaints Resolution Manager for policy and program development, the public education and outreach program at Ombudsman Ontario has been re-focused and is again underway following extensive downsizing and a complete restructuring of the organization over the past four years.

An organization-wide training program introduced in the fall of 1998 has continued at both an individual and group level. The focus has centred on enhancing performance effectiveness and further developing a range of computer skills among staff, while additional training has addressed writing and technical investigative skills. Managers have benefited from training designed to strengthen overall managerial capacity and a program of dispute resolution workshops is under way for all Complaints Resolution staff. On the recruitment front, there have been several internal promotions resulting in an almost complete turnover of the Access Centre team. Recruitment and training are constant features of the operation of our Access Centre, as is typical of any call centre environment.

The Complaints Resolution Manual published last year to ensure consistency of approach in all complaint-handling, and to provide a resource training document for staff, has been updated to reflect changes in program and procedures. A Performance Management Manual has been produced outlining the performance accountability system at Ombudsman Ontario and containing a description of key accountabilities for every staff position, including managers' competencies and standards for employee behaviour in service delivery. The computerized Case Management System has been licensed, and along with its user manual has been sold and installed in a number of Ombudsman jurisdictions. A member of our systems staff, at the expense of the Ghanaian Ombudsman, visited that country to install the system and train staff in its uses.

Staff of Ombudsman Ontario supported the development and delivery of a conference in Toronto on "Governance, Accountability and Human Rights in an era of Change" co-sponsored with Victoria University and the Human Rights Research and Education Centre at the University of Ottawa. A delegation from the National Assembly of Vietnam attended our office to learn about our investigative process, legal mandate and our relationship with the Legislature and other government authorities. A staff member was sponsored by the Canadian Executive Services Overseas to assist the newly created Ombudsman of Bolivia by providing management consultation on a broad range of issues from training to human resources. Subsequently, the Ombudsman of Bolivia and members of her staff visited Toronto to

review our operations. We also hosted visits from the Ombudsman of Namibia, Tanzania, Bostwana, Namibia, Peru, Honduras and Sri Lanka.

Finally, our organizational evaluation system, introduced last year and designed to evaluate the effectiveness of a number of our service standards, has proved to be a vital tool in strengthening our overall operations. Evaluation projects have been ongoing through the year and have enabled us to identify where our operating standards need to be adjusted to meet the needs of the parties we serve.

STATEMENT OF EXPENDITURE For the Year Ended March 31, 2000

Expenditure	99/00 Estimates $ (note 4)	99/00 Actual $	98/99 Actual $
Salaries and Wages	4,647,700	4,626,735	4,340,312
Employee Benefits (note 3)	905,600	1,002,006	958,913
Transportation and Communication	524,000	452,245	452,045
Services	1,472,400	1,404,615	1,641,404
Supplies and Equipment	233,100	295,974	596,646
Sub Total	7,782,800	7,781,575	7,989,320
Less Miscellaneous Revenue	0	10,545	125,723
Net Expenditure	7,782,800	7,771,030	7,863,597

See accompanying notes to financial statement.

Approved:

Ombudsman

NOTES TO FINANCIAL STATEMENT March 31, 2000

1. ACCOUNTING POLICIES

a) Basis of accounting

The Office uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.

b) Furniture, equipment and leasehold improvements

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

2. EXPENDITURE AND MISCELLANEOUS REVENUE

Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

3. PENSION PLAN

The Office provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) established by the Province of Ontario. The Office's contribution related to the PSPF for fiscal year 1999/2000 was $338,030 (1998 - $311,116) which is included in employee benefits.

4. RESTRUCTURING COSTS

Included in the 1999/2000 Estimates for Salaries and Wages and Employee Benefits is a restructuring fund totaling $75,300 (1999 - $280,000), for the necessary ongoing restructuring payments as a result of a 20 per cent budget reduction in 1996/97. The actual restructuring cost for 1999/2000 was $78,410 (1999 - $276,677).

AUDITOR'S REPORT

Office of the
Provincial Auditor
of Ontario

Bureau du
vérificateur provincial
de l'Ontario

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(416) 327-2381 Fax: (416)327-9862

To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2000. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 2000, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
May 12, 2000

J.R. McCarter, CA
Assistant Provincial Auditor (Acting)

SALARY DISCLOSURE

The following list of those earning $100,000 or more in T4 income for the year 1999 is being reported in accordance with the Public Sector Salary Disclosure Act 1996:

T4 Income	$132,248.76
T4 Taxable Benefits	$358.96
T4 Income	$121,056.08
T4 Taxable Benefits	$1,923.66

SURVEY REVEALS DATA TO SHAPE SERVICE

The Ombudsman is committed to providing services that are responsive to the needs of the diverse publics we serve. In order to meet this goal, we survey complainants to get a better idea of who contacts the Ombudsman. The survey, which is voluntary, collects information about gender, age, race, disability, parental status, First Nations/ Aboriginal status, and household income.

Of the complainants who responded to our survey this year, 54% were classified as economically disadvantaged, a decline of 4% from last year. Also declining was the number of complainants who were sole support parents, dropping from 18% to 15%. The proportion of respondents who identified themselves as having a disability was unchanged at 32%. The following is a summary of statistical information that provides a picture of our complainants as identified in our survey.

Excluding complaints from individuals about the Ministry of Correctional Services, three ministries received the largest number of complaints: the Ministry of the Attorney General, the Ministry of Labour, and the Ministry of Community and Social Services. These three ministries accounted for 58% of all non-corrections complaints, an increase of 4% from last year. Over 60% of complaints received by these three ministries were from people with low incomes and over 50% were from people with disabilities.

Ministry of the Attorney General

As was the case last year, the Ministry of the Attorney General accounted for just under a quarter (24%) of all non-corrections related complaints. Women made up 55% of complainants against the ministry, a drop of 6% from last year. More than half of all complainants identified as sole support parents made their complaint against the Attorney General, an amount unchanged from last year. The high proportion of complainants who are sole-support parents and women is explained by the presence of the Family Responsibility Office in the Ministry of the Attorney General. This office was the source of 19% of all complaints, the same proportion as last year. Repeating a pattern from the previous year, just over 90% of women and over 95% of sole support parents making a formal complaint about the Ministry of the Attorney General had concerns with the Family Responsibility Office. Twenty per cent of all provincial government complaints received from First Nations and Aboriginal people were about the Family Responsibility Office, an increase of 2% over last year.

Ministry of Labour

The proportion of complaints made against the Ministry of Labour rose slightly to 19% this year, up from 18% in the previous year. Individuals with disabilities accounted for 70% of the complaints directed against the Ministry of Labour. This year also saw a change in the proportion of complaints about this ministry from men and women as the number of men making a complaint regarding the Ministry rose from 67% to 70%. Within the Ministry of Labour, the Workplace Safety and Insurance Board accounted for 70% of complaints and as was the case last year, the Board was the provincial agency receiving the second largest number of complaints overall at 12.7%. The number of persons with disabilities making complaints about the Board increased this year from just under 50% to 77%.

Ministry of Community and Social Services

The proportion of complaints against the Ministry of Community and Social Services rose slightly this year to 16%, up from 14% last year. Almost 77% of individuals with complaints about this ministry were persons with disabilities, while 88% identified themselves as poor. Close to 60% of complaints related to the Ontario Disability Support Program, a program that accounted for 9% of all complaints against provincial organizations. The Ontario Disability Support Program replaced the Family Benefits Allowance, a program which last year contributed 7% of all complaints.

Other Highlights

The level of complaints from youth rose to 3%, up from 2% last year. However, unlike last year which saw the bulk of complaints

directed to the Ministry of Education and Training, this year the distribution was primarily spread out over three ministries, the Ministry of Training, Colleges and Universities (23%), Ministry of Transportation (22%), and Ministry of Labour (14%). As might be expected, over 84% of complaints from youth to the Ministry of Training, Colleges and Universities were about the Ontario Student Awards Program. (Post-secondary educational issues were transferred from the Ministry of Education and Training to the newly created Ministry of Training, Colleges and Universities in the summer of 1999.)

Complaints from people who are seniors remained stable at 8%. Among the ministries receiving the greatest number of complaints from this group were the Ministry of Health and Long-Term Care and the Ministry of the Attorney General.

The proportion of survey respondents identifying themselves as people of colour or racial minorities rose again this year to 7%. This group remains, relative to their numbers in the province, underrepresented in Ombudsman Ontario's complainant base, given that they account for 16% of Ontario's population. This is partly explained by the curtailment in recent years of public education activities in the Greater Toronto Area, where over half of the province's racial minorities are located.

In this regard it is interesting to note that First Nations and Aboriginal people, though accounting for about 2% of Ontario's total population, comprise 4% of the survey's respondents, up one per cent from last year. This is likely related to the fact that many First Nations and Aboriginal people live in northern Ontario, a region where Ombudsman public education efforts have remained strong over the last several years.

Ombudsman Ontario will use the results of the survey to help shape the delivery of our programs over the coming year, in particular public education and outreach efforts.

COMPLAINTS ABOUT US

The system for reviewing complaints from the public or government officials who are dissatisfied with the manner in which a complaint is handled by staff at Ombudsman Ontario has now been in place for four years. We encourage people to bring forward their complaints about us as a source of feedback, and to help us identify how we might improve our services.

When complaints about us are received, the complainant is encouraged to raise the issue first with the staff member involved. If the matter remains outstanding, the staff member's manager will attempt to resolve the matter. The complainant may then contact the Executive Director if the matter remains unresolved. Should the complaint involve the Executive Director, the Ombudsman will refer the issue to a Legal Advisor for review and determine what, if any, further action may be taken to address the concern.

This year we received 28 complaints, compared to 54 in the previous year. Nineteen of these were about decisions or outcomes of complaints or investigations. Five were complaints about delay or lack of contact from staff, while four involved complaints about staff conduct.

Of the 19 complaints received about decisions or outcomes of complaints or investigations, six were addressed by advising the complainants how their files were reviewed. In five instances, explanations were provided about our process in handling third-party complaints and the confidentiality provisions of the *Ombudsman Act*. Four complaints concerned our review of decisions about administrative tribunals. The Ombudsman's role in reviewing such decisions means that our office does not re-adjudicate cases or issue substitute decisions, but rather examines whether an administrative process followed by a tribunal in rendering its decision was fair.

No further action was warranted on two complaints because of the circumstances surrounding the original complaint. In one complaint about the Ombudsman's decision, an explanation was provided to the complainant along with an apology for the time taken to review the file. In another instance, there was a complaint about relevant information not being considered in our investigation. Since the complainant provided new information, the Ombudsman asked the complainant to provide documentation for further review.

We received five complaints about delay or lack of contact from staff. The Ombudsman met with one complainant to discuss his concerns about the adequacy of our investigation. In another, an apology was extended for our delay and the absence of regular communication by staff; this complainant was advised when to expect a decision on his file. In one instance in which the complainant alleged lack of contact from staff, it was found that the staff member had been unsuccessfully trying to call the complainant. As a result, a letter was sent outlining our contact efforts and providing a file status update. One complainant was dissatisfied with the length of time it took to assign her file to an investigator. The manager explained the process of assigning files out of our Complaints Register and informed the complainant when she might expect her file to be assigned. The last complaint remains outstanding as the file is still open and being reviewed by the manager.

There were four complaints about staff conduct, and in each case the staff member involved was directed to address the concerns being raised. In response to one complainant's allegation that his file was closed without being contacted by staff, we apologized to him, gave him details about the staff communication that had taken place and acknowledged that we should have made more attempts to contact him. An apology was also extended to a complainant who alleged that staff provided information to a provincial governmental agency without obtaining his consent.

The Complaints About Us program will be evaluated once again this fiscal year so that we can strengthen our internal complaints mechanism.

PUBLIC EDUCATION AND OUTREACH

Ombudsman Ontario has continued its efforts to raise awareness about our services through a range of activities and events in communities across the province.

Among the numerous events we attended this year were:

- International Ploughing Match, Guelph
- Mayfest (an annual event in Toronto for the hard of hearing and deaf communities)
- Manitoulin Island Trade Fair
- International Women's Day events
- Six Nations Fall Fair, Ohsweken
- Youth Fair in London
- Information Fair for people with disabilities in Gloucester
- Gay Pride Day events in Toronto
- Canadian Association of Francophones in Ontario Annual Conference

We also met with and made presentations to such groups as:

- Participants in the "Correctional Officer Start Programme" at the Ministry of Correctional Services' Bell Cairn Development Centre
- Recent Immigrants at the Centre Francophone du Toronto Metropolitain
- Staff of a senior's centre in Elliot Lake
- Members of a First Nations community in Wawa
- Participants in the "Women Aware Program" at Elgin Middlesex
- Residents of a youth facility in Sarnia
- Parents Group in Dryden

Staff members also conducted intake clinics across the province, particularly in parts of northeastern and southwestern Ontario. Since the closure of regional offices in Timmins, North Bay, Kenora, and Windsor after budget and staff reductions, special emphasis has been placed on reaching these communities through these clinics.

With the stabilization of staff and budget levels, plans have been finalized to renew public education efforts in the Greater Toronto Area (GTA) for the coming fiscal year. The need for such work in the GTA was highlighted by the results of a complainant survey commissioned by Ombudsman Ontario in May of 1999. The survey showed that, among other things, the Ombudsman's complainant base is comprised of a low proportion of individuals from the GTA. The survey also showed that proportionately there was a higher representation of complainants from Northern Ontario, a region where public education efforts have remained strong over the last several years, pointing to a link between such activities and public knowledge about and access to our services.

OMBUDSMAN ONTARIO STAFF LIST – MARCH, 2000

Ombudsman
Clare Lewis, Q.C.

Administrative Assistant
Ingrid Lasrado

Executive Director
Fiona Crean

Executive Assistant
Rachel Olaso-Pezeshkian

Administrative Secretary
Susan Mason

Complaints Resolution Teams

Manager
Alison Dantas

Team Leader
Marc Despatie

Administrative Secretary
Betty Baker

Ombudsman Representatives
Irene Buncel
Mary Carl
Hannalie Ethier
Micheline Gagné
Pauline Gignac
Gabriella Trotta

Investigators
Gerry Carlino
Rosie Dear
Barbara Kiesecker

Supervisor
Eva Kalisz

Access Representatives
Alphonse Barikage
Zalina Deodat
Claire Giroux
Marcel Grimard
Nicole LeBlanc
Roxana Olivera
Johanne Safar

Manager
Sue Haslam

Team Leader
Millicent Dixon

Administrative Secretary
Denise Salmon

Ombudsman Representatives
Danielle Barbeau-Rodrigue
Julie Bertrand
Jean Dennie
Lira Hugh
Kim Morris
Marie-Claire Muamba

Investigators
Kwame Addo
Kathy Penfold
Elizabeth Weston
Barbara Worthington

Manager
Duncan Newport

Team Leader
Tim Arkell

Administrative Secretary
Kamala Kirushna

Ombudsman Representatives
Michelle Amaral
Robin Bosworth
Joane De Varennes
Amita Shunglu
Laura Spiers
Pam Young

Investigators
Christine Angus-Jones
Calvin Blackwood
Mary Jane Fenton
Anita Glasier
Jim Nicholas

Manager
Alison Irons

Team Leader
Mary Elizabeth Nugent

Administrative Secretary
Lourdes Legardo

Ombudsman Representatives
Naomi Bambara
Winsome Cain
Sharon Fowler
Chakib El Hakmaoui
Anne Hart
Esla Hutchinson
George La Rosa
Lourine Lucas
Beena Rajendra
Joe Semenciw

Investigators
Barbara Hirst
Matilda Presner
Cathy Rea
Elizabeth Virc

Finance & Administration

Director
John Allan

Administrative Assistant
Dora Gimenez-Dixon

Accounting Analyst
Judith Lee

Client Services Representative
Wolfgang Schulz

Word Processing Operators
Maureen Bourns
Jackie Holmes

Complaints Analysis & Information

Manager
Duncan Newport

Programmer Analysts
Kwasi Frimpong
Dianne King

Clerical & Technical Support
Suzanne Bernier

Records & Archives Technician
Jackie Correia

End User Support
Joyce Coolman

Policy, Legal, Research and Communications

Communications Coordinator
Gene Long

Administrative Secretary
Dean Morra

Legal Advisors
Laura Pettigrew
Wendy Ray

Analyst
Lorraine Boucher

Manager, Policy & Program Development
Juan Gomez

Policy Advisor
Michael Orr

Research Assistant
Sherrie Nicholson

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COMPLAINTS

"In 1999/2000 Ombudsman Ontario statistics show a total of 22,720 complaints and inquiries received... Positive improvements occurred in our complaint-handling this year on a number of fronts."

- Story in Numbers
- Complaints by Riding
- Complaints by Organization
- Correctional Complaints

THE COMPLAINT STORY IN NUMBERS

In 1999/2000 Ombudsman Ontario statistics show a total of 22,720 complaints and inquiries received. This number represents a decline of 22.8% from the previous year's total of 29,396. A number of factors contributed to this decline, including a gap in the recording of non-jurisdictional inquiries. Following the first year of operation of a new centralized Access Centre for all incoming calls, a complete turnover of staff in this centre resulted in standard procedures not being followed in the computerized coding of calls related to private sector, federal and municipal government and other non-jurisdictional complaint areas. Following the identification of a gap in the recording of referrals, administrative changes were introduced to ensure accurate monitoring of all inquiries. An estimated 5,000 calls over a six month period were not correctly coded.

We also experienced a decline in non-correctional provincial complaints, which was offset by a dramatic increase of about 40% in correctional statistics. The drop off in provincial complaints may be attributed to the effect of a much smaller public education program, which coincided with staff reductions and the closure of four regional offices. It would also appear that fewer complaints are being received in program areas in which entitlements have been severely curtailed or eliminated altogether. On the other hand, we increased our correctional profile and our capacity to respond to complaints from inmates at a time when the system is undergoing significant change and inmates are experiencing the stresses associated with these changes.

Positive improvements occurred in our complaint-handling this year on a number of fronts. The vast majority of our core business - 75% of nearly 15,000 written jurisdictional complaints - saw files closed within 20 days of receipt of the complaint. This was an improvement of about five days from the previous year. Fifty per cent of the 15,000 written complaints were resolved within six days and the overall average for resolution was eighteen days. This emphasis on early resolution produces positive results in a number of ways as complainants are assured of quick action wherever possible and government agencies are able to address outstanding grievances in an efficient and timely manner.

Complaints requiring a formal investigation were also conducted on a speedier basis this year, averaging twelve months from opening to closing, improving on last year's performance by one month. On average this time included two months in our Complaints Register, where files are held following preliminary review and before assignment to investigations staff. This waiting time, which serves as a key workload management tool in ensuring tight timelines are adhered to during the investigation process, was reduced by more than a month from the previous year.

COMPLAINTS AND INQUIRIES CLOSED DURING 1999 - 2000

	Verbal Complaints and Inquiries			Written Complaints and Inquiries			Total		
	99-00	98-99	97-98	**99-00**	98-99	97-98	**99-00**	98-99	97-98
Provincial	**879**	4,623	7,125	**13,366**	9,768	9,052	**14,245**	14,391	16,177
Municipal	**1,097**	2,248	1,951	**331**	236	331	**1,428**	2,484	2,282
Federal	**926**	1,607	1,687	**204**	174	207	**1,130**	1,781	1,894
Private	**4,635**	7,853	7,571	**715**	546	600	**5,350**	8,399	8,171
Courts	**300**	468	544	**124**	99	100	**424**	567	644
Other	**91**	1727	139	**52**	47	32	**143**	1,774	171
Total Non-Provincial	**7,049**	13,903	11,892	**1,426**	1,102	1,270	**8,475**	15,005	13,162
Totals	**7,928**	18,526	19,017	**14,792**	10,870	10,322	**22,720**	29,396	29,339

OUTCOME OF COMPLAINTS AND INQUIRIES CLOSED DURING 1999 - 2000

		Non Provincial			All Provincial			Provincial Government					
								Correctional System			Other Provincial		
		99-00	98-99	97-98	**99-00**	98-99	97-98	**99-00**	98-99	97-98	**99-00**	98-99	97-98
Verbal	Resolution facilitated / Referral given / Inquiry made	**7,022**	13,872	11,811	**867**	4,468	6,768	**29**	1,200	1,528	**838**	3,268	5,240
Verbal	No action possible	**27**	31	81	**12**	155	357	**2**	137	261	**10**	18	96
Written	Investigation discontinued by Omb.				**1,473**	909	1188	**995**	459	791	**478**	450	397
Written	Investigation discontinued by complainant				**968**	826	448	**930**	773	328	**38**	53	120
Written	Resolved by Omb. in favour of complainant				**158**	182	576	**85**	89	382	**73**	93	194
Written	Resolved by Omb. in favour of government				**54**	73	182	**0**	4	7	**54**	69	175
Written	Resolved by Omb. by other means				**89**	112	63	**81**	101	45	**8**	11	18
Written	Resolution facilitated / Referral given / Inquiry made	**1,393**	1,053	1,205	**10,264**	7,278	6,437	**4,107**	1,857	853	**6,157**	5,421	5,584
	No action possible	**33**	53	65	**360**	388	158	**134**	169	38	**226**	219	120
	Totals of all resolutions	**8,475**	15,009	13,162	**14,245**	14,391	16,177	**6,363**	4,789	4,233	**7,882**	9,602	11,944

GLOSSARY:

- **Verbal complaint or inquiry:** Complaint or inquiry usually received over the telephone.
- **Written complaint or inquiry:** Complaint or inquiry received by note or letter with signature of complainant.
- **Resolution facilitated / referral given / inquiry made:** Assistance given to resolve a problem through discussion, inquiries of the organization complained about, information shared or other tangible methods of resolution; by giving name and phone number of appropriate jurisdictional organization; or actually calling the organization to confirm jurisdiction to handle the matter and make inquiries.
- **No action possible:** No assistance can be given as the problem cannot either adequately be defined, the information given does not require the Ombudsman to take action. Complainant is anonymous, or it is beyond our capacity to facilitate a resolution.
- **Discontinued by Ombudsman or complainant:** The investigation is discontinued because either receipt of additional information indicating further investigation is unnecessary, the agency has taken immediate steps to resolve the problem, the Ombudsman has previously investigated the case, or the complainant does not wish to pursue the matter further for various reasons.
- **Resolved by Ombudsman in favour of complainant:** The complaint is supported in favour of the complainant.
- **Resolved by Ombudsman in favour of the government:** The complaint was not supported. In some cases suggestions for change of policy or systems are recommended to the governmental organization.
- **Resolved by other means:** The complaint is resolved with minimal involvement of the Ombudsman.

IN ORDER OF FREQUENCY, THE MOST COMMON TYPES OF JURISDICTIONAL COMPLAINTS INVESTIGATED BY OMBUDSMAN ONTARIO THIS YEAR WERE:

	Types of Complaints	Rank Previous Year
1	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1
2	Adverse impact or discriminatory consequence of a decision or policy on an individual or group	2
3	Failure to adequately or appropriately communicate with a complainant	8
4	Inadequate or improper investigation was conducted	4
5	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	3
6	Insufficient reasons for a decision or no reasons given	6
7	Denial of service	5
8	Unreasonable delay	7
9	Harrassment by a governmental official; bias; mismanagement; bad faith	11
10	Failure to keep a proper record	12
11	Other	13
12	Unfair settlement imposed; coercion	9
13	Failure to provide sufficient or proper notice	10
14	Omission to monitor or manage an agency for which the governmental organization is responsible	14

WRITTEN COMPLAINTS AND INQUIRIES BY PROVINCIAL RIDINGS

RIDING	Total
Algoma - Manitoulin	272
All Ontario - Systemic	6
Barrie - Simcoe - Bradford	346
Beaches - East York	49
Bramalea - Gore - Malton - Springdale	41
Brampton Centre	222
Brampton West - Mississauga	54
Brant	248
Broadview - Greenwood	392
Bruce - Grey	171
Burlington	41
Cambridge	147
Carleton - Gloucester	326
Chatham - Kent - Essex	174
Davenport	37
Don Valley East	36
Don Valley West	38
Dufferin - Peel - Wellington - Grey	73
Durham	46
Eglinton - Lawrence	33
Elgin - Middlesex - London	311
Erie - Lincoln	59
Essex	72
Etobicoke - Lakeshore	205
Etobicoke Centre	22
Etobicoke North	648
Glengarry - Prescott - Russell	72
Guelph - Wellington	547
Haldimand - Norfolk - Brant	99
Haliburton - Victoria - Brock	576
Halton	431
Hamilton East	58
Hamilton General Area	4
Hamilton Mountain	51
Hamilton West	449
Hastings - Frontenac - Lennox and Addington	328
Huron - Bruce	107
Kenora - Rainy River	255
Kingston and The Islands	122
Kitchener - Waterloo	62
Kitchener Centre	59
Kitchener General Area	7
Lambton - Kent - Middlesex	112
Lanark - Carleton	77
Leeds - Grenville	357
London - Fanshawe	111
London General Area	11
London North Centre	125
London West	98
Markham	27
Mississauga Centre	37
Mississauga General Area	7
Mississauga East	45
Mississauga South	45
Nepean - Carleton	55
Niagara Centre	245
Niagara Falls	51
Nickel Belt	102
Nipissing	235
Northumberland	89
Oak Ridges	47
Oakville	55
Oshawa	63
Ottawa - Centre	87
Ottawa - South	59
Ottawa - Vanier	71
Ottawa - West-Nepean	97
Ottawa General Area	11
Out Of Province/International	279
Oxford	92
Parkdale - High Park	72
Parry Sound - Muskoka	173
Perth - Middlesex	89
Peterborough	158
Pickering - Ajax - Uxbridge	44
Prince Edward - Hastings	65
Renfrew - Nipissing - Pembroke	103
Sarnia - Lambton	200
Sault Ste. Marie	586
Scarborough - Agincourt	24
Scarborough - Rouge River	18
Scarborough Centre	34
Scarborough East	55
Scarborough Southwest	309
Simcoe - Grey	73
Simcoe North	130
St. Catharines	70
St. Paul's	69
Stoney Creek	43
Stormont - Dundas - Charlottenburgh	149
Sudbury	361
Thornhill	45
Thunder Bay - Atikokan	118
Thunder Bay - Superior North	203
Thunder Bay General Area	14
Timiskaming - Cochrane	286
Timmins - James Bay	159
Toronto Centre - Rosedale	144
Toronto General Area	38
Trinity - Spadina	57
Unknown	109
Vaughan - King - Aurora	53
Waterloo - Wellington	32
Wentworth - Burlington	38
Whitby - Ajax	162
Willowdale	41
Windsor - St. Clair	82
Windsor General Area	9
Windsor West	233
York Centre	48
York North	38
York South - Weston	38
York West	33

WRITTEN COMPLAINTS AND INQUIRIES AGAINST PROVINCIAL GOVERNMENT ORGANIZATIONS BY FINAL RESOLUTION

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:				Investigation Discontinued		Resolution Facilitated/ Referral Given/Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.	By Other Means	By Com't	By Omb.			
MANAGEMENT BOARD OF CABINET									
Management Board Secretariat		1				2	11	2	16
Ontario Lottery and Gaming Corporation	2					1	14	1	18
Ontario Pension Board							10		10
Ontario Realty Corporation						3	16	2	21
MINISTER RESPONSIBLE FOR NATIVE AFFAIRS									
Native Affairs - Other							3		3
MINISTER RESPONSIBLE FOR WOMEN'S ISSUES									
Women's Issues - Other							1		1
MINISTRY OF AGRICULTURE, FOOD, AND RURAL AFFAIRS									
Agricorp							1		1
Agricultural Licensing and Registration Review Board							1		1
Chicken Producers Marketing Board							1		1
Farm Tax Rebate Appeal Board							1		1
Ontario Drainage Tribunal						2	1		3
Agriculture, Food and Rural Affairs - Other						6	12		18
MINISTRY OF CITIZENSHIP, CULTURE AND RECREATION									
Ontario Film Development Corporation							1		1
Ontario Heritage Foundation						1	1		2
Ontario Human Rights Commission		1	2		2	50	130	11	196
Royal Ontario Museum - Board of Trustees		1				1	2		4
Citizenship, Culture and Recreation - Other						1	6		7
MINISTRY OF COMMUNITY AND SOCIAL SERVICES									
Adoption Disclosure Register							4	1	5
Arrell Observation and Detention Home for Children							1		1
Comsoc Young Offenders Open Custody/Detention Facilities - Other							3		3
Comsoc Young Offenders Secure Custody/Detention Facilities - Other							4		4
Developmental Services Branch		2	4			3	2		11
Disability Adjudication Unit						1	25	1	27
Family Benefits			2			7	85		94
Medical Advisory Board - Family Benefits Act							1		1
Office of Child and Family Service Advocacy							2		2
Ontario Disability Support Program	3				1	10	653	18	685
Ottawa Observation and Detention Home							1		1
Rideau Regional Centre					1	2	6		9
Social Assistance Review Board	3	1				10	38	2	54
Social Benefits Tribunal	1				2	3	99	5	110
Southwestern Regional Centre							1		1
St. John's School							1		1
Community and Social Services - Other	1	7		1		11	129	8	157
MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS									
Alcohol and Gaming Commission of Ontario					1	2	22		25
Board of Funeral Services							1		1
Business Practices Division							2		2
Commercial Registration Appeal Tribunal					1	4	1	1	7
Liquor Control Board of Ontario							8		8
Ontario Racing Commission							2		2
Registrar General						1	35		36
Consumer and Commercial Relations - Other	1					10	29	2	42
MINISTRY OF CORRECTIONAL SERVICES									
Correctional Centres	25			16	195	230	1,105	30	1,601
Detention Centres	22			23	310	407	1,597	55	2,414
Jails	29			36	340	295	1,126	43	1,869
Treatment Centres	3			1	8	18	83	3	116
Young Offender Centres	2			4	50	27	75		158
Young Offenders Open Custody / Detention Facilities - Other				1	22	9	45	1	78
Young Offenders Secure Custody / Detention Facilities - Other					3	1	7		11
Correctional Services - Other	4				2	8	69	2	85
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE									
Economic Develoment and Trade - Other	1	1	1			8	49	2	62
MINISTRY OF EDUCATION									
Education - Other						1	26		27
MINISTRY OF ENERGY, SCIENCE AND TECHNOLOGY									
Ontario Hydro	3					3	57	5	68
Energy, Science and Technology - Other							4		4
MINISTRY OF ENVIRONMENT									
Environmental Assessment Board							1		1
Environment - Other		1				8	53	4	66
MINISTRY OF FINANCE									
Financial Services Commission of Ontario					1	6	15		22
Land Transfer Tax							7		7
Motor Vehicle Accident Claims Fund							1		1
Ontario Insurance Commission		1				1	11		13
Ontario Securities Commission							3		3
Pension Commission of Ontario							3		3
Property Assessment Program							9		9
Retail Sales Tax	2					2	15	1	20
Finance - Other				1	1	5	54	5	66

WRITTEN COMPLAINTS AND INQUIRIES AGAINST PROVINCIAL GOVERNMENT ORGANIZATIONS BY FINAL RESOLUTION (continued)

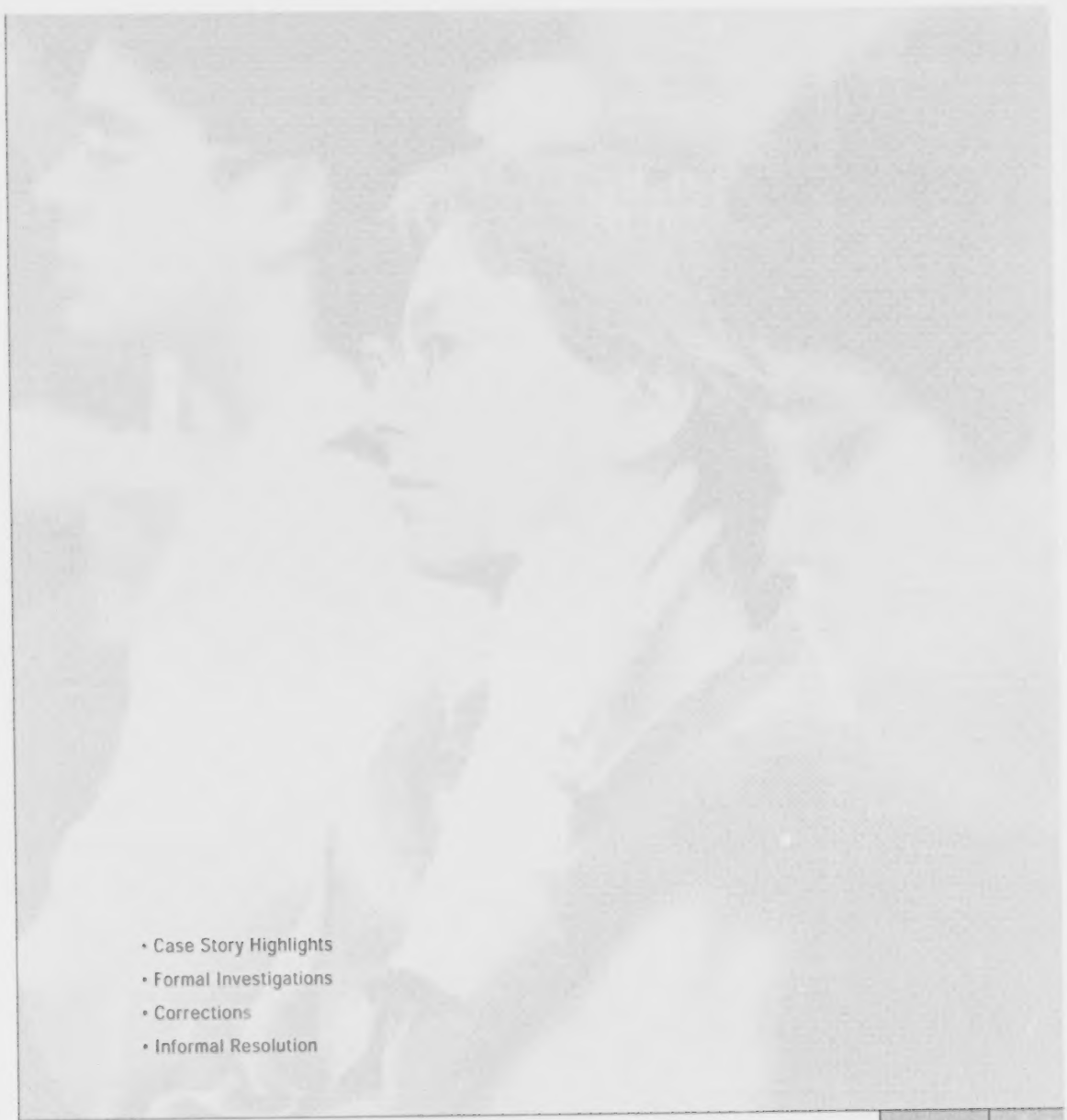
ORGANIZATION	Complaint Resolved by Ombudsman in favour of:				Investigation Discontinued		Resolution Facilitated/ Referral Given/Inquiry Made	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest	By Other Means	By Com't	By Omb.			
MINISTRY OF HEALTH AND LONG-TERM CARE									
Assistive Devices Program / Branch	1					2	11		14
Health Professions Board	1					15	16	8	40
Health Services Appeal Board							8		8
Hospital Appeal Board						1			1
Long Term Care Branch						2	1		3
Mental Health Centres							27	2	29
Psychiatric Hospitals - Other				1		2	80	4	87
Northern Health Travel Grant						1	29		30
Ontario Drug Benefit							3		3
Ontario Health Insurance Plan						3	90	2	95
Psychiatric Patient Advocates						1	16		17
Psychiatric Review Boards							1		1
Trillium Drug Program							54	1	55
Health and Long Term Care - Other	2				2	14	153	9	180
MINISTRY OF LABOUR									
Employment Practices Branch	4	2	2		1	7	46		62
Grievance Settlement Board						2	4		6
Office of the Worker Adviser						1	21		22
Ontario Labour Relations Board					2	9	33	1	45
Public Service Grievance Board					2	1	3		6
Workplace Safety and Insurance Appeals Tribunal	3	6		1	2	59	145	12	228
Workplace Safety and Insurance Board	4		1		2	10	894	17	928
Labour - Other	2					9	50	2	63
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
Building Code Commission					1		1		2
Local Housing Authorities						6	84	7	97
Line Fences Referee	1					2			3
Ontario Housing Corporation							3		3
Ontario Mortgage Corporation							3		3
Ontario Municipal Board						12	18	4	34
Ontario Municipal Employees Retirement Board							6		6
Ontario Rental Housing Tribunal					1	5	73	6	85
Rent Control Programs						8	5		13
Rent Review Hearings Board		4			3		1		8
Municipal Affairs and Housing - Other		1				4	30	3	38
MINISTRY OF NATURAL RESOURCES									
Moose Allocation Advisory Committee							1		1
Provincial Parks Council							1		1
Natural Resources - Other		4	2		2	22	73	6	109
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
Ontario Northland Transportation Commission							2		2
Northern Development and Mines - Other					1		4		5
MINISTRY OF THE ATTORNEY GENERAL									
Assessment Review Board						6	22	2	30
Children's Lawyer						1	11	1	13
Criminal Injuries Compensation Board	1					4	28	1	34
Crown Attorneys							10	1	11
Family Responsibility Office	24			1	1	40	1,368	17	1,451
Legal Aid Ontario	1			1		2	48		52
Public Guardian and Trustee	1		1	1		6	86	2	97
Attorney General - Other	2					3	61	5	71
MINISTRY OF THE SOLICITOR GENERAL									
Animal Care Review Board							1		1
Coroners' Office						1	6		7
Office of the Fire Marshal						1	2		3
Ontario Board of Parole					1	5	33		39
Ontario Civilian Commission on Police Services (Formerly OPC)							9		9
Ontario Provincial Police	1	1				2	19		23
Probation and Parole Services				1		2	10	2	15
Solicitor General - Other	1				3	2	15	3	24
MINISTRY OF TOURISM									
Metro Toronto Convention Centre Corporation							1		1
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
Colleges of Applied Arts and Technology		1	2			1	27	3	34
Ontario Council of Regents for Colleges of Applied Arts and Technology							1		1
Ontario Student Awards Program	4					9	135	2	150
Training, Colleges and Universities - Other							7		7
MINISTRY OF TRANSPORTATION									
Licence Suspension Appeal Board - MTO						1	21		22
Toronto Area Transit Operating Authority							1		1
Transportation - Other	3	2			2	16	504	16	543
ONTARIO GOVERNMENT - OTHER									
Cabinet Office							10		10
Information and Privacy Commissioner - Other							7		7
Legislative Offices - Other							12	2	14
Lieutenant Governor's Office							1		1
Office of the Premier & Cabinet Office							1		1
Ontario Government - Other						1	10	3	14

VERBAL AND WRITTEN COMPLAINTS AND INQUIRIES AGAINST THE MINISTRY OF CORRECTIONAL SERVICES*

BY SUBJECT MATTER	99-00	98-99	97-98
Health Care - Adequacy	1217	856	608
Staff Conduct	655	410	383
Administration in General	535	576	210
Classification or Transfer within the Provincial System	462	303	398
Living Conditions	447	425	195
Canteen	403	78	267
Living Conditions - Food / Diet	390	297	167
Personal / Inmate Property	296	170	139
Inmate Misconduct Issuance / Adjudication	275	124	162
Yard	215	144	65
Living Conditions - Segregation	195	103	50
Administrative Segregation	180	109	146
Responses to Inmate Requests	177	126	138
Living Conditions - Clothing Size Condition etc.	173	122	46
Telephone Access / Use	165	61	59
Dental	162	126	109
Policy / Practice	148	66	63
Prescription Request	143	79	146
Correspondence	141	89	110
Inmate Trust Account	132	73	44
Institutional Discipline - Other than Inmate Misconduct	125	52	35
Living Conditions - HVA, Heating, Ventilation, Air	118	58	41
Special Needs / Treatment Unit	116		
Allegation of Excessive Force	111	77	45
Living Conditions - Overcrowding	111	57	38
Classification - Other	95	62	134
Discretionary Program Decisions / Access to Program	95	29	88
Temporary Absence Passes	95	75	112
Ombudsman Access (Letter or Phone)	71	33	11
Lost Earned Remission / Punitive Segregation	67	57	57
Searches	66	29	22
Visiting Privileges	65	34	40
Inmate - Inmate Disputes / Assaults	58	20	22
Mental Health Care	55	44	35
Methadone Program	54	49	1

BY SUBJECT MATTER	99-00	98-99	97-98
Protective Custody	50	13	12
Medical Diet	49	29	51
Religious or Life Style Diet	49	44	32
Intermittent Sentence	47	14	17
Living Conditions - Smoking	38	32	15
Committal / Sentence Calculation	37	38	52
Glasses, Eye Care	36	35	20
Living Conditions - Cleanliness, Hygiene, Sanitation	35		
Pre-Release	34	16	30
Parole - Community Services / PPO	32	56	56
Charter of Rights / Human Rights	31	24	24
Living Conditions - Immigration Hold	25	20	26
Medical Appliances / Devices Request	17	26	42
Medical Segregation	16	15	14
Bailiffs	15	7	3
Transfer-Federal Institution	15	10	10
Electronic Monitoring	14	10	4
Living Conditions - Cell Time	14		
Allegations of Reprisal for Ombudsman Contact	13	1	0
Probation	13	5	10
Meals at Court	11	8	2
Inmate Institution Guide	10	2	0
Aids, Hepatitis	8	2	6
French Language Services	8	1	5
Freedom of Information / Protection of Privacy	5	9	21
Open Facility	5	2	3
Race Related Complaints	2		
Access to Services (Technology) - TTY	1	5	0
Death of Inmate in Custody	1	0	0
Restructuring	1	8	0
Secure Facility	1	2	6
Custody Review Board / Y.O. Avenues of Appeal	0	3	1
Resident in Treatment Unit / Special Needs Unit	0	15	7
Second Medical Opinion Requests	0	7	7

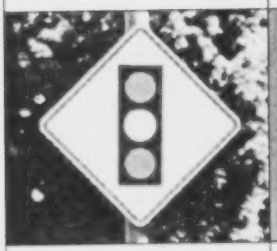
* As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.



- Case Story Highlights
- Formal Investigations
- Corrections
- Informal Resolution

CASE STORIES

Every year in our annual report the Ombudsman presents a collection of case stories to illustrate the type of work we do.



CASE STORY HIGHLIGHTS

These stories were written by our staff to offer a representative sample while protecting the anonymity of complainants. This first section includes this year's case story highlights.

HIGHWAY COMPLAINTS FOCUS ON ACCOUNTABILITY

As a result of numerous complaints concerning the validation and issuance of vehicle permits by the Ministry of Transportation, the Ombudsman initiated an own-motion investigation into the Ministry's administration of those sections of the Highway 407 Act dealing with the collection of tolls and fees. The investigation included consideration of the Ministry's practices relating to vehicle permits and its role and procedures for monitoring the dispute resolution mechanisms of the Act. Ministry officials were interviewed and a review was conducted of the legislation and the Highway 407 Concession and Ground Lease Agreement.

In a letter to the Deputy Minister of Transportation, the Ombudsman stated that no further investigation would be conducted because the practice of license plate denial on the basis of non-payment of tolls, the source of recurring complaints, had been suspended. The letter noted that although the Ministry is not required to monitor any aspect of customer service provided by the highway owner under the Act, it had taken steps to address the issue of customer service with the company, and the number of complaints had decreased significantly as a result.

The investigation revealed that notices sent to users of Highway 407 did not contain information advising them of their right to access the dispute resolution process provided for in the Act. The Ministry provided information to the Ombudsman that this omission was being corrected and 80,000 individuals who had settled overdue accounts in order to renew their license plates would now have an opportunity to make use of the dispute resolution process. Another 110,000 license plate holders who had been identified for plate denial would not be forced to settle accounts in order to renew. The Ministry also ensured the adoption of a regulation to provide accountability and compliance measures relating to toll collection, including the appointment of an independent auditor approved by the Ministry.

While the Ministry was involved at various stages in the planning and execution of the privatization of Highway 407, another government organization had led the process. The Ombudsman suggested it was unfortunate that neither the legislation nor the Concession and Ground Lease Agreement had contained accountability mechanisms regarding toll collection and compliance. In closing the investigation, the Ombudsman commended the Ministry for responding to complaints in a timely manner and recommended that the lessons learned in this case be shared with other public service agencies involved with similar privatization initiatives as a means of ensuring private sector partners act fairly with the public.

FOUR FINAL REPORTS RESOLVED

In April 1999 the Ombudsman tabled four final investigation reports with the Legislative Assembly. These reports contained conclusions and recommendations that were not accepted by the government organizations involved. The normal practice is for such reports to be forwarded to a Standing Committee of the Legislature for public hearing. When Clare Lewis took office as Ombudsman in February 2000, these reports had not been addressed by the legislature and he initiated a review with each of the organizations in an attempt to resolve the issues raised in the reports. Following this review process, the Ombudsman wrote to the Chair of the Standing Committee on the Legislative Assembly to report that all four final reports were being withdrawn.

The reports included the case of Ms P and the Ontario Human Rights Commission (OHRC) and three investigations into service provision involving: the OHRC; the Family Responsibility Office (FRO) at the Ministry of the Attorney General; and the Adoption Disclosure Register at the Ministry of Community and Social Services (MCSS).

The Ombudsman reported the following outcomes:

Ms P and the OHRC The Ombudsman successfully resolved this matter. The OHRC agreed to apologize to Ms P for its administrative errors in the handling of her case and provided compensation to her in the amount of $2,250.

Investigation of the timeliness of birth relative searches conducted by MCSS The Ombudsman reported that the Ministry had responded positively to the recommendations contained in the final report and had allocated an additional $2.4 million to the program. This money would enable the hiring of additional staff to meet the objective of eliminating the program's backlog waiting list within 18 months.

Investigation of the FRO's processing of its caseload The Ombudsman stated that no practical purpose would be served by bringing forward this report to the Standing Committee because of the passage of time since it had been prepared. The Ombudsman noted that the Ministry of the Attorney General had allocated increased resources to the program, addressing in part the report's recommendations. He undertook to remain vigilant in monitoring the issues raised in the report through the investigation of complaints that arise.

Investigation of the timeliness of the OHRC's investigative process The Ombudsman stated that no practical purpose would be served by bringing forward this report because the statistical data and other information contained within it does not represent a current picture of the Commission's operations. He undertook to remain vigilant in addressing the issues raised in the report through the investigation of complaints as they arise.

The executive summaries of these reports can be found at Ombudsman Ontario's web site.

INITIATIVES UNDERWAY TO OVERHAUL CORRECTIONAL USE OF FORCE POLICY

In 1998, in response to a significant number of complaints received from inmates in provincial correctional facilities that correctional staff were using excessive force, the Ombudsman initiated an own-motion investigation to determine whether correctional facilities were complying with the policies and procedures of the Ministry of the Solicitor General and Correctional Services relating to the use of force. During this investigation senior management staff at four correctional facilities were interviewed and the individual cases of three inmates who had alleged excessive force at three other facilities were investigated.

Various aspects of the Ministry's use of force and related policies were reviewed, including the use of security control equipment such as chemical mace, protective convex and concave shields, handcuffs and security clothing. Reports written by correctional staff in documenting use of force incidents were also examined to determine whether they fulfilled Ministry requirements.

In one of the individual complaints arising from an incident at a small northern jail, it was alleged by a First Nations inmate that excessive force had been used by several correctional officers when he was restrained and taken to a segregation unit. He reported that he suffered some minor injuries during this altercation and claimed that he had been stomped on and had found it difficult to breathe while being restrained. During the Ombudsman's review of this incident it became apparent that because of non-compliance with the Ministry's policies and procedures at the facility concerning this incident, it was impossible to determine the degree of force used in this case. For example, although policy required that photographs be taken of any injuries experienced by an inmate, no photographs of the inmate were taken until the facility was notified by Ombudsman staff that this evidence was missing. At that point, photos were taken several days later, making it impossible to directly attribute signs of injury to the use of force. A number of staff reports from those involved in this incident had also not been completed on time, and descriptions of the incident were not sufficiently detailed to comply with Ministry policy. All the staff involved in these examples of non-compliance with policy had recently undergone use of force training conducted by the Ministry.

In a second case, this one involving the use of mace against an inmate at a detention centre in southwestern Ontario, it was determined that the operational manager discharging the mace had not received the training required by the Ministry to be authorized for use of this chemical restraint. Although the Ombudsman did not find that excessive force had been used to restrain this inmate, similar procedural lapses as those in the use of force case were identified. The Ombudsman notified the Ministry of concerns arising from the investigation with respect to the adequacy of the chemical weapons training.

In the third case reviewed by the Ombudsman, it was determined that management at the central Ontario jail where the incident occurred had conducted their own internal investigation, and a staff member had been disciplined as a result. Consequently, the Ombudsman's review of the incident focused on the apparent loss of a number

of documents from the Ministry's records required by its use of force policy. After several months of persistent inquiries by Ombudsman staff, copies of the missing documents, containing a description of the incident by facility staff, were located.

As a result of this investigation involving the three complaints and other issues of concern, the Ombudsman presented a tentative report to the Ministry with a number of recommendations: that it take immediate steps to ensure compliance with its use of force and related policies; that it clarify for Ministry staff the responsibility for taking photographs following incidents in which injury occurs; that the role of the Ministry Anti-Racism Coordinator be clarified to all facility staff; and that it take steps to ensure that all staff receive adequate ongoing training in the use of force and security control equipment, and related Ministry policies and procedures.

The Ministry responded by informing the Ombudsman of a number of initiatives it was undertaking to address these recommendations. These included the introduction of a use of force checklist to be used by facility managers to ensure that all procedural requirements are met; an improvement to existing training programmes; and the development of an evaluation mechanism for this training. The Ministry reported it is revising its use of force and related policies, and will distribute an information package to address compliance and procedural methods in all facilities. It is also reviewing the requirements for the taking of photographs and will enforce a practice whereby photos must be taken as soon as possible following an incident involving injury.

It was also apparent through the course of this investigation and from other interviews conducted by Ombudsman staff that the role of the Ministry's Anti-Racism Coordinator had not been sufficiently integrated and clarified across the Ministry. As a result, procedures for reporting incidents involving racial minority inmates were not well-known or well-understood by staff in the Ministry's correctional facilities. The Ministry notified the Ombudsman of steps it is taking to ensure the role of the Anti-Racism Coordinator is better integrated and understood across correctional facilities.

SEGREGATION PRACTICES LACKING CONSISTENCY

The Ombudsman received a large number of complaints from inmates who were being held in segregation units for administrative, medical and protective custody reasons at a number of provincial correctional facilities. Inmates alleged poor and unhygienic living conditions and denial of entitlements such as daily exercise, regular showers and access to personal hygiene products. In a number of cases, it appeared that policies of the Ministry of the Solicitor General and Correctional Services were not being followed at individual facilities, where some inmates were not being examined by health care staff upon admission to or release from segregation. In response to these complaints, the Ombudsman initiated an own motion investigation, in which site visits to four facilities were conducted.

This investigation confirmed that Ministry policy generally recognizes the importance of ensuring a humane correctional environment, and that inmates are to be provided with entitlements such as personal hygiene facilities and opportunities for outdoor exercise. Ministry policy also emphasizes the necessity of proper record-keeping, particularly in segregation units. The Ministry informed the Ombudsman at the outset of the investigation that facilities' Standing Orders are designed to set guidelines as to how staff are to implement Ministry policy. However, a review of the Standing Orders of three of the four facilities visited during the investigation showed that this policy was not being applied.

The state of documentation reviewed was such that it was impossible to verify whether inmates in administrative segregation were receiving entitlements such as showers, daily exercise or access to personal hygiene products. Segregation records were also not being kept in accordance with Ministry policy, and were often incomplete, inconsistent, or in some cases, illegible. Inconsistencies were identified across the facilities reviewed. In some locations, for example, inmates are permitted to wear shoes while in segregation or to retain personal cell property; in other facilities, they are not. In some cases, facilities were clearly in contravention of the policy requiring that inmates be seen by health care staff upon admission to and release from segregation. It also became evident that no in-service training was taking place with respect to record-keeping practices.

The Ombudsman was concerned that the combination of inadequate in-service training, poor record-keeping and the inconsistencies noted might reflect a serious underlying failure to provide a humane correctional environment, as required by law and Ministry policy. The Ministry was notified of the Ombudsman's findings and was urged, in view of the importance of preserving the dignity and well-being of inmates, to take

"The Ombudsman received a large number of complaints from inmates who were being held in segregation units for administrative, medical and protective custody reasons at a number of provincial correctional facilities."

steps to ensure compliance with its policies pertaining to living conditions in segregation units.

The Ministry acknowledged that while a number of mechanisms were in place to ensure compliance with Ministry policy and relevant legislation, lapses in compliance could occur. The Ombudsman was informed that a recent re-organization resulting in the addition of Regional Directors would ensure close monitoring of compliance. The Ministry had also appointed a Director of Staff Training to determine staff training needs and ensure appropriate training. In addition the Ministry is in the process of revising its Policy and Procedures Manual, and will address record-keeping and other concerns identified in this investigation. The Ombudsman accepted the undertakings of the Ministry and closed the investigation, while continuing to monitor complaints received from inmates involving similar issues.

PROCEDURES TO TRACK LOST INMATE PROPERTY IMPROVED

In 1998 the Ombudsman decided to initiate an own-motion investigation into the handling, recording and storage of inmate personal property in provincial correctional facilities, as a result of a large volume of complaints received about property loss in preceding years.

While inmates are in custody at a Ministry of Correctional Services facility, the facility staff are responsible for ensuring proper recording and safekeeping of personal property such as that brought in to the facility by inmates upon admission. When the Ministry has a documented responsibility for such property, it is liable for compensation to an inmate if the property in its care is lost. Among the complaints received by the Ombudsman, some inmates reported the loss of their personal property during transfer between correctional facilities, or upon release when they discovered items missing from their stored property. In other cases, inmates who were seeking compensation were being advised that because the property had not been recorded on the Personal Property Declaration form, there was no evidence that it had been brought into the facility, and no compensation would be given.

During the Ombudsman's investigation, the property-handling practices of a number of correctional facilities were reviewed, along with several individual cases. While the individual cases were all successfully resolved, the investigation identified a number of situations in which there appeared to be opportunities for property to be lost or for disputes to arise. For example, some inmates arrested at the airport might bring in large amounts of property in suitcases and while their property would be searched for security reasons, the volume might mean that not all of the property would be itemized. In other instances, for example when an inmate had to be moved quickly by staff to a segregation cell, the cellmate might be asked to pack the property of that individual, creating an opportunity for a dispute as to the ownership of the property. The form used to document incoming inmate property also did not appear to provide sufficient space for a large number of items, or for an adequate description of individual items. In addition, ambiguities on the form that did not clearly specify for example, whether an inmate had brought spectacles or dentures into the facility.

Because the Ombudsman recognized that loss is often likely to occur when large quantities of property are handled in busy Admission and Discharge areas that process large numbers of inmates, the Ombudsman decided to report preliminary findings of the investigation to the Ministry. As a result of discussions with Ministry staff, the Ministry undertook to review the adequacy of the forms used to document inmate property. It also undertook to update and improve its policies and procedures with respect to the handling of inmate property, and to ensure that facility managers are complying with these. In light of the steps taken by the Ministry to address the Ombudsman's concerns, the investigation was concluded.

COMPANY RECEIVES RADIO LICENSE AND CHEQUE FROM MINISTRY

Company R owned an AM radio station and had applied to Industry Canada to convert its AM license into an FM one. In such circumstances, anyone wanting to operate a frequency in the FM band of 88 - 92 is required to obtain a letter of non-objection from the provincial government. Company R was advised by its engineering consultant to write to the Ministry of Economic Development, Trade and Tourism. A letter of non-objection was received from that Ministry and the company proceeded with the Industry Canada application process.

They were later notified of a date for a hearing on the application to be held by the Canadian Radio and Telecommunication Commission (CRTC). But just prior to the hearing date, the province's Minister of Education and Training wrote a letter of objection to Industry Canada. During an investigation into these events by the Ombudsman's office, it became apparent that the Minister of Education and Training was asked by an MPP to intervene on Company R's application on behalf of the owner of another radio station. As a result of the letter from the Ministry of Education and Training, Company R was given less than forty-eight hours to inform Industry Canada of why its application should be allowed to proceed at the CRTC. With the assistance of legal advice, Company R succeeded in having its application go to hearing, but no decision was rendered because of the existence of contradictory letters from two different provincial Ministries.

Following the CRTC hearing, Company R's lawyer wrote to Industry Canada pointing out that the objections made on behalf of the second radio station (a low-power tourist information outlet) were not valid, as this station was not entitled to the same protection as other radio stations. Industry Canada then wrote to the Minister of Education and Training seeking clarification of its position in light of the information provided by Company R. In response, the Ministry rescinded its letter of objection and the CRTC eventually approved the license application for Company R.

Following approval of its license, the company approached the Ministry with a claim for compensation, arguing that its intervention had cost the firm approximately $12,000. When the Ministry refused, the company complained to the Ombudsman. Based on the evidence gathered during an investigation, the Ombudsman issued a tentative report to the Ministry concluding that it had failed to verify the contentions of the second radio station. Because of this, the Ministry had inappropriately submitted a letter of objection, an action that was unreasonable under the circumstances. The report recommended that Company R receive compensation in an amount reflecting its additional costs incurred as a result of the ministry's conduct, and that the Ministry develop a written policy with respect to matters pertaining to FM allocation. The Ministry accepted the Ombudsman's report, compensated Company R in the amount of $12,000, and issued an apology for its actions. It also undertook to adopt a written policy so that in future, all matters pertaining to radio frequency application are referred to the Ministry of Economic Development, Trade and Tourism.

MINISTRY APOLOGIZES AND COMPENSATES FOR ERROR

Mr. N complained to the Ombudsman about an outstanding claim he had with the Employment Practices Branch of the Ministry of Labour for money owed to him by his former employer. An Order to Pay had been issued to the employer by an Employment Standards Officer at the direction of the Officer's manager. The employer had appealed this Order to Pay and the matter was before an adjudicator with the Office of Adjudication, Ontario Labour Relations Board (OLRB).

During an investigation by Ombudsman staff it was learned that the Employment Standards Officer had rescinded the Order to Pay on the eve of a hearing before an OLRB adjudicator. This action was evidently taken out of concern that the Order had been issued at the direction of a manager and would therefore be declared invalid because OLRB rules require that it is an officer who must make the determination to issue such an Order. Mr. N was not given any explanation for the rescinding of the Order.

Based on the information gathered during the investigation, the Ombudsman sent a report to the Ministry with a tentative conclusion that the failure of the Employment Standards Branch to properly administer Mr. N's claim was unreasonable. The report recommended that the Ministry apologize to Mr. N for its error in the administration of his claim and provide him compensation of $2,500 in recognition of the frustration he experienced and the time and energy he expended as a result of the failure to administer his claim properly. Following a meeting with Branch officials, the report and its recommendations were accepted by the Branch. Mr. N subsequently received an apology from the Deputy Minister of Labour and a cheque for $2,500.

FORMAL INVESTIGATIONS

The following cases represent investigations in which the complaint was resolved with the assistance of the Ombudsman, or the outcome was non-support of the complaint. The cases resolved were the result of a variety of complaint resolution techniques employed by Ombudsman staff.

ODSP, MUNICIPALITY COMPENSATE FOR ERRORS

Mr. K receives Ontario Disability Support Plan (ODSP) benefits. He advised our office that in addition to his monthly benefits, he receives a medical transportation allowance in the form of a bus pass to attend medical and counselling appointments. He reported that although he has received this transportation allowance for the past three years, there were four months (Sept-Dec '98 and Jan-Feb '99) for which he was not reimbursed for bus pass costs. Mr. K indicated that he used his benefit allowance to purchase the pass, which caused him financial hardship given his limited income. He stated that he provided all medical and financial eligibility information to the ODSP office, including proof of purchase of the bus passes. He requested our assistance in determining why the allowance was withheld, and in seeking reimbursement.

A review of the ODSP policies indicated that travel & transportation costs are covered to attend medical appointments, rehabilitation and psychological counselling, and that a transportation pass may be issued if the person is required to attend ongoing medical appointments. Verification is required to support any requests for travel and transportation costs. ODSP staff advised that the transportation allowance is administered by the municipality.

In Mr. K's case ODSP reported that the September '98 bus pass monies had been issued to Mr. K but he failed to cash the payment cheque within 30 days. A stop-payment had been issued on the cheque by the municipality because it was not cashed within this period. Bus pass monies are authorized by the municipality on a six-month basis, and renewed based on the submission of further medical and financial eligibility information. Mr. K's transportation allowance then expired in December '98 and the municipality did not receive Mr. K's renewal submission until March 1999. As a result, he was deemed ineligible for the transportation allowance for January and February 1999. The ODSP advised that the municipality had been contacted regarding Mr. K's complaint, but it was unwilling to provide retroactive transportation benefits to him.

An Ombudsman Investigator provided Mr. K with a summary of the information obtained from the ODSP. He stated that he received the September '98 transportation allowance cheque and cashed it approximately one month later. After the stop-payment was issued, his financial institution then took monies from his bank account. Mr. K was aware that eligibility is determined every six months but said he was unaware that a six-month time frame had expired and that he relied on the ODSP to send him the eligibility renewal application. He also noted that he changed residence in December '98 and had immediately provided his change of address to his ODSP office.

In response to further inquiries, the ODSP reported that it mails transportation allowance renewal forms two months in advance of the expiry of any approved six-month eligibility period. This ensures the recipient has sufficient opportunity to obtain and submit information required to maintain the continuation of the transportation allowance. Because of Mr. K's change of address, his file had been assigned to a different ODSP office. During our review of his case, it became apparent that his file was not flagged to indicate that Mr. K was in receipt of the transportation allowance. It appeared that this omission led to a delay in Mr. K receiving the transportation renewal forms, and the subsequent denial of the transportation allowance for the months of January and February 1999. Mr. K did not receive the renewal application until March 1999.

"Mr. G complained to our office that he had applied for a faculty position at a community college and that the college had conducted a biased and unfair competition."

The Ombudsman Investigator contacted the municipality to relay Mr. K's contentions as well as the information obtained from the ODSP office. Because it had previously approved Mr. K's transportation allowance for the six-month period of July to December 1998, it agreed to reimburse Mr. K for the September and December 1998 bus pass. In further consideration of their delay in sending Mr. K the renewal package, the ODSP also determined that Mr. K's transportation allowance would be granted for the months of January and February, 1999. Mr. K agreed this represented a successful resolution of his complaint.

MAXIMUM 60

BANK CONFIRMS SPEEDING TICKET PAID

Ms P contacted the Ombudsman with a complaint regarding the actions of the Ministry of the Attorney General. She explained that in May 1996, she received a speeding ticket from the Ontario Provincial Police in the amount of $95, which she paid with her Mastercard. When she received her monthly statement, she contacted Mastercard to confirm that although the speeding ticket, this item was in fact included on the list of charges. Several months later, Ms P received a letter from the Ministry of Transportation advising her that her driver's license would be suspended indefinitely because she had not paid the speeding ticket. She also received letters from a collection agency.

Ms P placed numerous calls to the Ministry of the Attorney General in an effort to rectify the problem. She also requested reimbursement for out of pocket expenses resulting from having to take taxis to work for six days, numerous long distance telephone calls and faxes to a number of organizations. She estimated these costs to be $470. Although the Ministry agreed its records were in error and offered an apology, it would not agree to any reimbursement of funds.

An Ombudsman Investigator contacted the Ministry of the Attorney General on behalf of Ms P and provided the Ministry with transaction statements indicating that the Bank of Montreal had properly fulfilled its obligation on Ms P's account. Following further discussion with Ministry staff and a re-consideration of the matter, the Ministry offered Ms P $400 to resolve her complaint. She indicated the offer was acceptable to her and that she was pleased with the resolution.

COLLEGE CHANGES HIRING POLICIES

Mr. G complained to our office that he had applied for a faculty position at a community college and that the college had conducted a biased and unfair competition. He also alleged that the review of his complaint about the competition by the college's Board of Governors was inadequate.

Mr. G indicated that he had held several sessional appointments at the college over a number of years. He was given notice that when his last sessional appointment expired, he would not receive any further appointments and that there was no opportunity for a full-time position. A month later, a permanent position was advertised. He applied for the position but believed that he would not get an opportunity for a fair competition based on his past experience with the hiring manager. He claimed that it was well-known at the college that another of the candidates, who had been a sessional instructor for a much shorter period of time than he had, was a friend of the hiring manager and would win the competition. Because of this, Mr. G sought and obtained the assurances of the vice-president of the college that the competition would be conducted fairly. He was granted an interview but was not the successful candidate. The candidate hired was the person alleged to be a friend of the hiring manager.

An investigation by our office found that some of the college's recruitment policies and procedures were not followed during the competition and that certain policies were lacking in providing specific guidelines. These concerns were brought to the

attention of the President of the college who agreed to implement a number of changes. The Ombudsman was satisfied that the President's undertakings addressed the policy issues raised by our investigation. Despite the problems identified with the college's recruitment procedures, the investigation did not find evidence to substantiate Mr. G's contention that the competition was biased or unfair. In addition, the Ombudsman found that the Board of Governors' review of Mr. G's complaint was consistent with standard practice in the field throughout the province and was conducted in an acceptable manner. Mr. G accepted these findings and was pleased to hear there would be changes in the human resource practices at the college.

FRO REIMBURSES FOR COSTLY ERRORS

Mr. T, a support payor, contacted the Ombudsman after trying unsuccessfully to resolve his complaint against the Family Responsibility Office (FRO). Mr. T's bank would not advance him a loan to purchase a new home when it learned he had a poor credit rating. His poor rating resulted from a report filed by FRO when its records showed he was several months behind in his support payments. Mr. T maintained that he was not in arrears and said that several months earlier he and his ex-spouse had notified FRO in writing that they no longer wanted FRO to enforce their support order. Mr. T had been making support payments directly to his ex-spouse. He and his lawyer then wrote several letters and made follow-up phone calls to FRO in an attempt to resolve this problem.

Eventually, FRO staff advised him that an administrative error had been made and that he was not in arrears. However a short time later, FRO mistakenly notified the federal Department of Justice that he was in arrears and as a result, federal funds owing to Mr. T were intercepted by FRO and sent to Mr. T's ex-spouse. He was also notified by the federal government that he would be required to pay an administrative fee for processing FRO's Support Deduction Notice to collect the arrears owing on his account. Once again Mr. T and his lawyer wrote to FRO and were subsequently informed that the account had not been corrected.

Although his ex-spouse returned the federal funds to Mr. T, he was dissatisfied with the manner in which FRO had handled his file. He contended that because FRO failed to process his and his ex-spouse's request to withdraw from the plan, he encountered problems negotiating a loan and had incurred unnecessary expenses, including legal fees and lost time from work.

In response to an Ombudsman's notice of intent to investigate Mr. T's concerns, FRO offered an apology for the inconvenience caused to Mr. T and agreed to reimburse him the administrative fee charged by the federal government. It also confirmed that it had withdrawn the federal Support Deduction Notice and that its report to the credit bureau had been deleted. With respect to Mr. T's claims for legal fees and lost time from work, FRO offered to review his claim once he submitted invoices. As Mr. T and FRO had agreed on a process to resolve this aspect of the complaint, Mr. T's file was closed. FRO has recently reported that it agreed to pay Mr. T's invoices.

MEDICAL SUPPLY COSTS APPROVED RETROACTIVELY

Ms A contacted Ombudsman Ontario on behalf of her blind 91 year old father who, as a result of physical and mental deterioration, was living in a long-term care facility. After a colostomy in 1978, her father had been approved under the Assistive Devices Program (ADP) of the Ministry of Health and Long-Term Care for a grant to pay for colostomy supplies. A grant was awarded twice a year and until 1995, had to be applied for annually.

In 1995 the administration of this program was changed and it became a permanent grant. Applications were to be sent to previous grant recipients. On receipt of a completed application, recipients were to receive benefits every year until supplies were no longer needed or the recipient had died. ADP's records showed that the last payment to Ms A's father had been made in June 1995.

In April 1999, Ms A exercised her Power of Attorney and applied to ADP on behalf of her father for grants for the four year period covering 1996-99. Since her father was in a long-term care facility in 1999, ADP provided a grant entitlement of $400 every six months. However, ADP denied the request for retroactive payments for '96, '97 and '98 because they had no record of her father's 1995 application under the changed program. ADP had cancelled the grant in cases in which the recipient had not submitted a renewal

application. In addition, Ms A was advised that ADP policy does not allow for reinstating expired applications or backdating applications.

It was Ms A's contention that the denial of retroactive payments was unreasonable because it unfairly penalized her infirm, elderly father and that ADP was further being unreasonable in expecting such persons to respond to internal program changes. She also complained that a program designed to assist persons with special needs does not have a policy to allow staff discretion in dealing with such persons.

Following contact by an Ombudsman Investigator, the Ministry reviewed the information provided by the complainant and concluded that the circumstances as outlined warranted further consideration. The Ministry then offered to resolve Ms A's complaint by approving retroactive payment for medical supplies based on the pharmacy receipts. Ms A accepted the Ministry's offer as resolution of her complaint.

THREE PROGRAMS WORK TOGETHER TO SOLVE PROBLEMS

Ms X brought a complaint to the Ombudsman on behalf of her sister regarding actions of both the Office of the Public Guardian & Trustee (the PGT) and the Ministry of Health. Her sister, Ms Y, had been a long-term client of Family Benefits (a program of the Ministry of Community and Social Services), but then was hospitalized for a short time in a psychiatric hospital. The PGT took over management of her affairs and Ms Y was moved to a residence licensed under the Ministry's Homes for Special Care program.

Ms X and other family members became concerned about Ms Y's living situation and the PGT's handling of her affairs. Consequently, Ms X decided to apply to become her sister's statutory guardian. In addition, steps were taken to have Ms Y assessed by the local community care access agency and to apply to alternate residences. Just after this assessment process was completed and Ms X was officially notified by the PGT that she was the statutory guardian, a vacancy became available in a private nursing home to which the family had applied. In order not to lose the placement, Ms Y moved within a couple of days, providing short notice to the home for special care.

After the move, Ms X contacted an official in the Long Term Care branch of the Ministry. Arrangements were made for her sister to be temporarily covered (her benefits "topped up") for the private nursing home per diem until she could be reinstated on Family Benefits. In the interval, the new Ontario Disability Support Program (ODSP) had replaced Family Benefits and so the Ministry had to contact the Ministry of Community and Social Services with a referral for Ms Y, for her approval under the new ODSP program.

Without checking that this process had been completed, Ms Y had extensive dental work performed. The bills for this work were then rejected by the Ministry of Community and Social Services as Ms Y had not been approved for coverage. Eventually, her sister was interviewed for the ODSP, an application was taken and she was approved. Benefits were backdated to the maximum allowable time of four months. However, Ms Y thought it was unfair that her sister was left with the outstanding dental bills.

In addition, a large bill of over $4,000 was forwarded by the Ministry as Ms Y's outstanding account from her stay in the home for special care. Again, Ms X thought this was unreasonable, given her sister's limited resources and the fact that no such debt had been declared when the PGT closed out the account and transferred responsibility for Ms Y's affairs to her sister.

Following a number of inquiries by Ms Y with the PGT and the Homes for Special Care accounting department, she became frustrated and contacted the Ombudsman's office. An Ombudsman Representative assisted her in getting a full statement of accounts and having a review conducted of this statement, resulting in the bill being reduced to under $2,000. As no further resolution could be achieved beyond this, a formal notice of intent to investigate Ms Y's complaint was sent by the Ombudsman to both the PGT and the Ministry.

As a result of the information set out in the Ombudsman's notice and subsequent discussions with Ministry staff, the Ministry agreed to forego collection of the outstanding account. Ms X was asked to pay for those few days following her receipt of the benefits cheque from the PGT and before her sister was moved from the home for special care.

Ms X had also questioned how her sister's finances were managed by both the PGT and the Ministry. Our office was able to provide some information in this regard: that she was only entitled to a monthly stipend (or Personal Needs Allowance), while all her basic needs were covered by the home. We were also able to advise her of a number of system-wide considerations. These included that the Ministry indicated it had established a regular billing system for clients dealing with the PGT and that the PGT was also

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looking at implementing such a system, to avoid a recurrence of the dilemma in which Ms Y found herself. Finally, both the PGT and the Ministry indicated in their response to the Ombudsman's notice of intent to investigate that they would be entering into discussions that would include the Ministry of Community and Social Services to streamline their systems and the handling of the affairs of the approximately 1,700 clients for whom they shared responsibility.

With respect to the dental bill, our office also contacted the Ministry of Community and Social Services. There was no record of the Long Term Care staff having made the initial referral for ODSP. Therefore, it was suggested that Ms X might want to appeal to the Director and then the Social Benefits Tribunal to request her sister's eligibility be backdated beyond the four months, thereby allowing the dental bills to be covered.

MINISTRY ISSUES APOLOGY AND CHEQUE

Ms M contacted the Ombudsman about the processing of her application for benefits under the Ontario Disability Support Program by the Ministry of Community and Social Services. She complained that because the Ministry was responsible for an administrative delay in processing her application for benefits, they were wrong not to determine that her effective date for eligibility for benefits should be backdated to the month when her initial application was completed. She was also of the opinion that the Ministry's internal review was unreasonable in not determining that her eligibility for income support began on the day her application was completed, in accordance with Ministry policy.

Following receipt of the Ombudsman's notice of intent to investigate, the Ministry reviewed Ms M's file and determined that she had submitted the necessary medical information and that she was a disabled person eligible for benefits under the program. This review concluded that the effective date of her eligibility for income support was seven months earlier than had previously been established. The Ministry then issued Ms M a cheque for retroactive benefits and sent her a letter of apology for the hardship she experienced as a result of the error made in processing her application. In light of this action, Ms M's complaint was resolved and her file was closed.

HEALTH PROFESSIONS BOARD IMPROVES

In last year's annual report, the Ombudsman reported on delays on the part of the Health Professions Appeal and Review Board in processing requests for a review of decisions made by health profession colleges. That investigation showed that it would take 18 to 20 months for a review request to be heard and that the Board's inventory of complaint reviews had continued to age since March 1998, despite the Board's efforts to reduce the backlog of cases awaiting a review or a decision. It also showed that the Board had received more complaints in 1999 than the previous year, resulting in part from legislative changes. The Board's budget and staffing had only increased marginally and the number of Board members remained unchanged since March 1998. The Ombudsman had concluded that the Board was not in a position to deal effectively with the volume of complaint reviews within its existing operating environment, and recommended it take all necessary steps, including requesting additional resources, to ensure it is able to process complaint reviews in a timely manner. Because the Ministry of Health is responsible for providing the Board with its resources, the Ombudsman also recommended the Ministry urgently take all necessary steps to ensure that the Board has the capability and the resources to process complaint reviews in a timely manner.

The responses from the Board and the Ministry to this investigation indicated that a number of initiatives had been or would be taken to ensure

"It appeared the overpayment assessed against Mr. W had been the result of Ministry miscalculations relating to the earnings of Mr. W's spouse."

that complaint reviews are processed in a timely manner, including the provision of additional resources. In addition, the Ministry agreed to provide the Ombudsman with an update on the status of the various initiatives in six months time. Information subsequently provided indicates that the budget and the resources available to the Board have been increased. There has been an increase in funding, an increase in support staff, and an increase in Board membership to the legal maximum. These increases have had a significant impact on the Board's ability to process more cases in a more timely manner. The information shows that the Board has doubled the number of reviews conducted, and the length of time taken to conduct reviews has been reduced to 15 months, with a further reduction anticipated. The number of decisions issued has also increased significantly.

Because the information provided indicates that both the Board and the Ministry remain committed to further reducing the delays in the complaint review process, the Ombudsman decided that no further investigation of this matter was necessary. The Ombudsman will continue to review individual complaints as they arise.

DISABILITY OVERPAYMENT ADJUSTED

The Family Benefits program of the Ministry of Community and Social Services provided benefits to people who are disabled or considered permanently unemployable. The Ombudsman received a complaint about an overpayment from Mr. W, whose entitlement was based on his disability. While he was receiving benefits, his spouse had been working and her irregular hours had, according to the Ministry, contributed to an overpayment to which he was not entitled. The Ministry also advised him he had received an additional overpayment from a retroactive payment of Canada Pension disability benefits. He was informed that when a person has received Family Benefits during a period that is covered by such a retroactive payment, the Ministry requires that the Family Benefits for that period be repaid.

Mr. W complained that he had always reported his spouse's earnings. He contended that he had signed an agreement with the Ministry and federal government so that the federal government could repay the Ministry directly for any overpayment caused by the retroactive Canada Pension disability entitlement.

An Ombudsman's investigation revealed that while the federal government had reimbursed the Ministry directly for most of the Family Benefits overpayment resulting from the retroactive disability entitlement, it appeared that some money paid to him directly by the federal government should have been sent to the Ministry. The Ministry's position was that it was obliged to recover this money from Mr. W, given that the error was not the Ministry's fault.

However, a recalculation of Mr. W's benefits entitlement was initiated in response to the Ombudsman's inquiries and this resulted in a reduction of the overpaid amount by almost a thousand dollars. It appeared this part of the overpayment assessed against Mr. W had been the result of Ministry miscalculations relating to the earnings of Mr. W's spouse. Upon further review of the case and taking into account these corrected calculations, the Ombudsman accepted the Ministry's position regarding recovery of the remaining overpayment.

The Family Benefits program no longer exists. Since June 1998, sole-support parents who need financial assistance may receive benefits through Ontario Works, which is administered by municipalities. People with disabilities who need financial assistance still deal with the Ministry, through its Ontario Disability Support Program (ODSP). Recipients under ODSP may still supplement benefits with employment earnings, as the Ministry's Supports To Employment Program continues. The Ministry advised the Ombudsman that calculations involving earnings for ODSP recipients are now computerized. Any miscalculations experienced by Family Benefits recipients, such as those affecting Mr. W resulting from human error should no longer occur.

HOUSING INCOME POLICY CHANGED

Mr. A, who resided in rent-geared-to-income housing, contacted the Ombudsman's office because he felt that the policy of the Ministry of Municipal Affairs and Housing of including a percentage of the value of his Registered Retirement Savings Plan (RRSP) as gross income was unreasonable.

Based on Mr. A's complaint, the Ombudsman asked the Ministry to review its policy on RRSPs as it affected rent-geared-to-income housing. Because the Ministry responded that it was in the process of reviewing this policy, the Ombudsman decided that further investigation was unnecessary and Mr. A's file was closed. The Ombudsman asked the Ministry to advise our office of the outcome of its review.

Shortly thereafter, the Ministry advised the Ombudsman that as of September 1, 1999, the Ministry would treat locked-in RRSPs in the same way it treats company pension plans. This means that any interest earned on the RRSP will not be included as income for the purpose of calculating rent-geared-to-income payments.

Although Mr. A had moved out of the rent-geared-to-income housing during the investigation, he was satisfied with the change in the Ministry's policy. The Ombudsman wrote to the Deputy Minister to acknowledge the change and to express appreciation that, as a result of Mr. A's complaint, the Ministry had expedited its review of the policy.

COMPLAINTS POLICY REVISED

Mr. B, who lives in a city in southern Ontario, complained to the Ministry of Natural Resources about the trapping activities of his neighbour. Dissatisfied with the manner in which the Ministry had responded to his complaint, Mr. B asked for the assistance of the Ombudsman's office.

Following an investigation, the Ombudsman did not find that the Ministry's response to Mr. B's complaint had been unreasonable. The Ministry had provided the Ombudsman with a copy of its Complaint Management Process, which came into effect on April 1, 1999. This process provides written guidelines concerning complaint-handling procedures, including documentation, monitoring and the evaluation of complaints. In a closing letter to Mr. B, the Ombudsman noted that the Ministry's process is designed to respond to the type of complaints he had made to the Ministry concerning the adequacy of service provided to the public.

The Ombudsman commended the Ministry for developing its Complaint Management Process and offered suggestions on its internal complaint resolution system for the Ministry's consideration. The Ministry responded by stating that its complaint-handling process would be revised to reflect this advice. Specifically, the Ministry noted that it would establish a standard time frame for investigations and make this known to the public, assign staff to be responsible for the complaint-management process, and provide an evaluation framework to ensure complaint trends are analyzed for follow-up action.

CORRECTIONS

The following case stories are a sample of issues raised by complaints to the Ombudsman from within the province's correctional system. Protocols have been established between the Ombudsman and the Ministry of Correctional Services to facilitate more effective complaint resolution services and to handle race-related complaints from inmates.

TRANSFER AVOIDS TIME ON THE STREET

Mr. A, a 22 year old inmate, called our office to ask for assistance in helping him to get a transfer from Ottawa-Carleton Detention Centre (OCDC) to Sarnia Jail, which is closer to his hometown. This inmate was to be released a month later and inquired why he was sent so far from his home town, 800 km away, when he was transferred from Millbrook to OCDC. Before being in Millbrook, he was detained in the Sarnia Jail and then sent to the Metro Toronto East Detention Centre (MTEDC). Because this facility was under renovation, it was decided to transfer inmates to Ottawa-Carleton Detention Centre via Millbrook Correctional Centre.

An Ombudsman Representative made an initial call to the Classification Officer at OCDC who confirmed that inmates were being transferred out of MTEDC because of ongoing renovations. He agreed that Mr. A should not have been sent to OCDC and suggested this mistake occurred because the Transfer Officer did not consider his city of origin. He agreed to speak to Mr. A and attempt to accommodate him by searching for a release location closer to home. He also suggested that the Classification Officer at MTEDC might have been overwhelmed with the volume of transfers from MTEDC to other facilities.

A few days later, the Classification Officer called to advise that Mr. A had been denied the transfer to Sarnia because of overcrowding at that facility. At a meeting in our office to review the inmate's concerns, it was established that he wanted to be transferred to Sarnia prior to his release because this would allow him to apply for welfare immediately. If Mr. A remained at OCDC he would have to travel to Sarnia, arriving in the middle of the night. Because his release date was on a Friday, this would mean he would spend the weekend on the street until the welfare office opened on Monday.

The Ombudsman Representative called the Classification Officer to ask if it would help to appeal to the superintendent in Sarnia. He agreed this might help and also initiated a meeting with his own superintendent, who then contacted the superintendent at Sarnia. The Superintendent at Sarnia was very responsive to the original request. He said that he was away when the transfer decision had been made and undertook to fax new transfer documents to the Superintendent at OCDC. These documents were sent right away and the inmate's transfer to Sarnia was quickly approved.

ACCESS TO SHOWER APPROVED

A man with a double amputation serving an intermittent sentence called our office for assistance. He had been waiting three days for a response to his request for accommodation in taking a shower. He reported that he was required to shower in the Admit and Discharge area which he did not think was appropriate because it was not accessible for him. He had put in a request to speak with the Operational Manager, but had not received a response.

An Ombudsman Representative called the jail and was told by an Operational Manager that there was a shower on the range for the inmate to use. It was explained that the inmate could not reach the knobs for this shower and he required a chair to be placed in the shower for his accessibility. The next week the inmate called and said that a chair had been placed in the shower on his unit for his convenience and that he was no longer having any problems.

INJURY AND MEDICAL NEEDS ADDRESSED

An inmate called to say that because his broken jaw is wired shut, he requires the use of two pillows to prop up his head, and that he could not receive these at his institution. He also said that the timing of his medication was such that during the night he could not sleep because of pain and that he was unable to eat because he could not get his food pureed. He complained that he was not receiving adequate health care.

An Ombudsman Representative called the facility's Health Care Coordinator who said that pillows were in short supply and suggested that the inmate roll up the end of his mattress and support his head that way. As an alternative, she suggested the inmate might be able to get another blanket to use. A further call to an Operational Manager resulted in the inmate receiving an extra blanket. A memo was also sent to ensure that the extra blanket would not be confiscated during a search. The staff also agreed to change the inmate's medication schedule to four doses a day, with the last one being at 10:30 p.m., enabling him to sleep through the night. The Health Care Coordinator checked with the Food Service Coordinator and agreed to ensure that the inmate received a full fluid diet.

PROCEDURAL LAPSE LEADS TO PAROLE HEARING

An inmate whose parole had been revoked discovered upon re-admission to a correctional facility that he had forfeited his earned remission and called our office for assistance. An Ombudsman Representative spoke with the Institutional Liaison Officer (ILO) at the facility who reviewed the situation by examining the audio-tape of the inmate's original parole hearing, checking the Ontario Board of Parole (OBP) file, and reading the material from the inmate's case review meeting and post-suspension report. As a result of this review, the ILO concluded that a procedural error was made at the original parole hearing.

The officer then wrote to the inmate and referred to OBP policy stating that "The Board is responsible for informing the inmate that remission credits are forfeited when parole is accepted and remission credits may not be recredited if parole is revoked." As a consequence of this policy not being followed, the officer offered the inmate a new parole hearing.

REMISSION LOST AND REGAINED

The Ministry of Correctional Services' Adult Institutions Policy and Procedures manual states that if an inmate misbehaves and a prosecution is commenced by the Crown Attorney, the Ministry is required to discontinue all internal disciplinary action relating to the alleged misconduct. This policy means that once the Crown lays a charge, an inmate cannot receive an internal disciplinary action for the same offense.

An inmate complained to our office that he lost fifteen days of earned remission as a consequence of a misconduct and was then subsequently charged criminally for the same offense. The institution added the fifteen days to the inmate's release date, even though he had been charged by the Crown.

An Ombudsman Representative contacted the Regional Director at the Ministry to request a review of the case. The Regional Director reported that the Ministry's Policy and Procedures manual states that the Superintendent of the facility should consult with the local Crown Attorney to determine whether the case should be dealt with under criminal law or by the Superintendent as a matter of internal discipline. The Regional Director said that his review revealed the institution had not consulted with the Crown Attorney before taking away the inmate's earned remission as an internal disciplinary measure. He concluded that as a result of this omission, the institution would give the inmate back his lost earned remission.

COSTS FOR FUNERAL LEAVE REVIEWED

Mr. A was an inmate who learned late on a Friday night that his mother had died in another city. As he wanted to attend her funeral, staff asked him to get details about the time and location. On the following Monday, he was advised that he could attend the funeral but would have to pay $1600 for the cost of transportation and an escort. Mr. A was very unhappy about having to pay this amount, particularly because he was aware that a bailiff's bus had left the institution early Monday morning for the same destination, and that his transportation would have been free if he had been a passenger.

When contacted by an Ombudsman Investigator, staff at the facility said they had not

received the information about the funeral in time to make arrangements for the bailiff's bus. However, Mr. A maintained that the information had been forwarded prior to the Monday morning. Our inquiries were not able to determine with certainty when facility staff had the information needed to allow them to make a decision about transportation. However, we were informed that the facility's policy regarding requests for temporary absence passes had been amended to ensure that any similar situation in future would be treated as a priority. In addition, provision would be made in future for the bailiff to be contacted if necessary. Finally, as a gesture of good will, the facility agreed to share the transportation costs with the inmate and to refund him half of the amount he had paid out.

SPECIAL NEEDS ACCOMMODATED

An inmate wrote to our office stating that he was having emotional and psychological problems concerning his spouse and children and was experiencing depression and anxiety attacks. He complained that his medical needs were not being addressed. These included his use of antidepressant and anti-anxiety medications, his request for an angiogram test and dental care, and the fact that his artificial leg was missing. He had also been placed in close confinement because he was being harassed by other inmates.

An inquiry was made to the institution's Health Care nurse. The nurse acknowledged that the inmate was experiencing severe depression and anxiety attacks and explained that he was placed in close confinement for his own security in view of his vulnerability. The nurse was not aware that the inmate's artificial leg was missing. After reviewing the inmate's concerns, the nurse placed the inmate on high-priority case management and ensured that he was immediately seen by a doctor and psychiatrist. He was also removed from close confinement and placed in a medical unit. As a follow-up, the nurse arranged to have a Special Needs trained staff person provide one-on-one care with the inmate. The inmate's artificial leg was also promptly replaced. Finally, the inmate was prescribed new medication by the doctor and psychiatrist.

RACE COMPLAINT RESOLVED THROUGH MEDIATION

Mr. C, a black inmate, complained to our office that he was dismissed from performing his assigned job at a correctional institution because of his race and colour. He was not satisfied that his concern was being adequately addressed or that he had been given an appropriate explanation.

Because the Ombudsman's office has a protocol with the Ministry of Correctional Services covering the reporting and investigation of incidents related to race, the institution was contacted to determine if it was aware of this complaint and whether it intended to conduct an internal investigation. As a result, an internal investigator was assigned to review the case. Following interviews with several staff, as well as inmates at the institution, the investigator found no evidence to support the contention that the inmate's dismissal was discriminatory. However, it was found that the abrupt nature of the dismissal and the lack of information provided to the inmate justified the perception that he might have been dismissed because of his race or colour.

Following this internal investigation, Ombudsman staff suggested, in discussion with the investigator, that a mediation process might be useful in this case. This mediation afforded the parties the opportunity to express their perspectives of the events that had transpired. Following this process, the complainant reported that he considered the matter resolved.

QUEBEC INMATE MOVED CLOSER TO HOME

Our office received a letter from a french speaking female inmate, Ms L, who was requesting an interprovincial transfer to Quebec or a transfer to Ottawa because she does not speak English. The letter explained that she was having a difficult time communicating with the administration in the facility where she was being held. An Ombudsman Representative contacted Ms L, who reported that she had been arrested in Montreal for a charge against her originating in Brockville, Ontario. She was transferred to Brockville jail to attend court and was sentenced to six months in prison. Ms L was then sent to the Vanier Centre for Women in Brampton. She was requesting a transfer to Montreal so that she could be closer to her children, one of whom was in the hospital

"A First Nations inmate wrote to our office from Thunder Bay Correctional Centre to complain about conditions in the facility's segregation unit."

and two others were staying with relatives. The Government of Quebec had refused to approve the request because they were conducting an investigation regarding her case.

The Ombudsman Representative contacted the institution and spoke with the Deputy Superintendent of Operations who agreed to review the matter. A few days later, the Deputy reported that a request was on file for an inter-provincial transfer and that a letter had been submitted by the Manager, Offender Classification and Transfer at the Ministry of Correctional Services indicating that no answer to the request had been received from the Quebec government. In light of this information, the Ministry decided to approve Ms L's request for transfer to Ottawa. The Deputy Superintendent reported the necessary paperwork would be completed to ensure that she would be transferred to Ottawa prior to her release date.

SEGREGATION CONDITIONS IMPROVED

A First Nations inmate wrote to our office from Thunder Bay Correctional Centre to complain about conditions in the facility's segregation unit. He said that it was very cold and dirty, the toilets leaked and the mattresses smelt of urine. When contacted by an Ombudsman Representative he said that because he was to be released soon, he did not wish to pursue his concerns as he felt that he had already been 'railroaded' because he had written to us. As normal practice, the Ombudsman follows up on cases involving vulnerable inmates such as those in segregation, particularly when they may not pursue complaints because of fear of reprisal. He was told that we would make general enquiries regarding the living conditions in segregation.

We then asked staff at the facility a number of questions, including: how often inmates in segregation receive cleaning supplies; do they do their own cleaning; is provision made for special needs inmates who may not be capable of cleaning; how often are blankets changed; what kind of mattresses are supplied; and how is the segregation area heated?

We were told that the facility is an X-shaped building and that the segregation level is on the lower level of the north wing, which gets the direct wind from the mountains. Heating is provided by baseboard radiant heat in each cell. A thermostat positioned in the corridor is set at 25 degrees but there is a lot of heat loss through the windows because the cells are on the exterior walls.

Staff at the facility acknowledged that there was no regular cycle for blankets being washed and that adequate hygiene may not always be maintained in the segregation area. They also said that while mattresses were not covered with plastic, officers had been told to change them if there was an odour. This was not being done.

Following our enquiries, the facility reported that it had fixed the leaky toilets and issued a memorandum advising staff of the following: cleaning supplies were to be issued daily; segregated offenders were to clean their cells daily and staff were to ensure that cells were clean for each newly segregated offender; new offenders were to be issued clean clothing, a clean mattress and clean blankets and if any of these were soiled or stained they were to be removed, replaced and either cleaned or taken out of circulation; and additional blankets were to be supplied to inmates in segregation to offset the cold temperature, regardless of their status.

The facility also indicated that they were exploring the possibility of getting additional duct work done so they could reuse an additional wall mounted electric heater, and would be ordering plastic covered mattresses.

INFORMAL RESOLUTION

The case stories in this section involve the successful application of informal resolution strategies employed by the staff of Ombudsman Ontario. These cases are a sample of the day-to-day work involving complaints which do not reach the formal investigation stage. In each of these cases a successful outcome resulted from cooperation by the governmental organization involved which produced benefits for all parties in avoiding a lengthy investigation process.

WSIB APPROVES SETTLEMENT FOR TERMINALLY ILL WORKER

Mr. D called our office because he was having difficulties with the Workers Safety and Insurance Board (WSIB). He reported that he had been awarded benefits for a workplace injury but the Board refused to pay him. Unfortunately Mr. D had developed a terminal illness and his capacity to deal with the issues involving his claim were limited.

Inquiries were made on Mr. D's behalf with the WSIB. Staff there reported that an award had been made in Mr. D's case but that because he had taken the third party to court for the accident and won a settlement, the benefits awarded were being deposited into a surplus fund. This meant that until Mr. D received the same amount from WSIB on paper that he had received in the court settlement, he would not receive any benefits.

Mr. D reported that the Board did not tell him that if he went to court he would be ineligible for benefits. His claim was further complicated with the Board because the employer was disputing it. Because of Mr. D's grave circumstances, Ombudsman staff reviewed his entire case record and provided suggestions to his family about possible options which could be pursued should he not be successful with WSIB. An Ombudsman Representative also contacted the Board to request a review of Mr. D's file based on his urgent circumstances to evaluate if further assistance could be granted.

The WSIB agreed to re-evaluate Mr. D's file and subsequently decided that on humanitarian and compassionate grounds Mr. D would be assessed for a permanent disability on an expedited basis and his surplus fund, now totalling $33,000, would be paid in a lump sum. This resulted in a decision whereby Mr. D now receives a benefit of $300 per month from WSIB.

FRO CORRECTS PAYMENT ERROR

Mr. Q contacted our office in November 1999 to complain that he had been trying to resolve a situation with the Family Responsibility Office (FRO) since May of that year. Mr. Q stated that his ex-spouse's lawyer forwarded a Notice of Withdrawal on May 13th to the Family Responsibility Office. Then, on May 20th, Mr. Q obtained an amended court order rescinding all arrears and support obligations retroactively to August 1998.

On July 13th, 1999, FRO received over $2,000 of monies owed to Mr. Q by the federal government and mistakenly forwarded them to Mr. Q's ex-spouse, the recipient. The Family Responsibility Office acknowledged its error but was unwilling to do anything to return the funds to Mr. Q, and suggested Mr. Q would have to get them back from his ex-spouse directly or go to court to get them back.

An Ombudsman Representative contacted the FRO and following discussions, staff there agreed to issue a cheque to Mr. Q for the full amount. They also undertook to follow up with the recipient to get the funds that were sent to her in error.

ON THE ROAD AGAIN, WITHOUT A FEE

Mr. M, a trucker, had been working in Alberta for about a year. His job was to drive rigs from the prairies to Ontario and return. To make his work easier, Mr. M had moved his home to Alberta. When he then moved back to Ontario he went to a Ministry of Transportation (MTO) office to exchange the Alberta license for an Ontario driver's license. Mr. M was told that he would need a medical examination report to get the Ontario license. Following his submission of this report, Mr. M called our office to complain that a medical is not normally required for his class of license and that the cost of this examination was $75.00.

An Ombudsman Representative contacted MTO and was told that Mr. M was correct, his class of license did not require a medical exam in order to be renewed. A mistake had evidently been made at the local office and it was suggested that if Mr. M wrote to the Ministry and provided a receipt for the unnecessary medical report, he would be reimbursed. Mr. M was contacted and was pleased to receive this news.

A REMEDY IN THE CHRISTMAS SPIRIT

Mr. H contacted our office on Christmas Eve. He said that he and his spouse and cat had no food or money for Christmas and that he was having trouble with the Ontario Disability Support Program (ODSP) office. He had not received his disability cheque that month and the office would soon be closing for the holidays. Mr. H reported that because he changed his address, his bank account had changed and his ODSP cheque had gone into a bank account which did not exist. He was told that his cheque would have to be reissued and mailed to him, and this might take up to ten days during the holiday season.

When an Ombudsman Representative called the ODSP office she was told that his cheque had indeed been sent to a bank account that was closed, but that it was Mr. H's responsibility to inform the ODSP of the correct bank account number. Mr. H pointed out that the office knew there was no bank account but the cheque was sent anyway. The Ombudsman Representative then asked the ODSP office to correct their records and provide an immediate remedy for the holidays by processing a cheque manually. Staff at the ODSP agreed and Mr. H was able to pick up his cheque later on Christmas Eve.

THE OHIP CARD IS IN THE MAIL

Mr. Q contacted the Ombudsman's office because he could not get a health card. He said he had his picture taken, supplied all the necessary information and was told that the new card would be mailed to him. After several months of being told his card was in the mail and not receiving it, Mr. Q was becoming distressed because he had numerous medical expenses and was now paying for them out of his own pocket.

An Ombudsman Representative contacted the Ministry of Health to find out what had happened to the health card and was told that the card was in the mail. When the Ministry was asked to verify the address on file, it turned out they had an incorrect street number on Mr. Q's record. They then promised another card would be mailed out immediately, but said it might take six to eight weeks to arrive. As for reimbursing Mr. Q for the health care costs he had accumulated, the Ministry advised that he should keep all his receipts and submit them after his card was received.

Eight weeks later we got another call from Mr. Q that he had not received the OHIP card. The Ombudsman Representative contacted the Ministry to try and locate the missing card and discovered that while the street number was correct, the postal code was wrong. Apparently, the Ministry's software package had automatically changed Mr. Q's postal code to an incorrect one. The Ministry undertook to mail out another card immediately and to expedite the process so that the card would arrive in about three weeks. Three weeks later, Mr. Q called to say he had received his OHIP card. He had also resubmitted his receipts on the understanding his costs would be covered.

TRIBUNAL APPEAL DECISION STALLED

Mr. S, a senior citizen, called our office because of long-standing problems with the Workplace Safety and Insurance Board (WSIB). He said that following a Board decision not to allow his claim, he had appealed to the Workplace Safety and Insurance Tribunal (WSIAT) and won the case. However, decisions of the tribunal are then sent back to the Board for implementation and in his case the Board would not implement the tribunal's decision. At the time of contacting our

office, Mr. S had been unable to work for twenty-three years and was now retired. He said the Board had failed for more than three years to implement the favourable decision.

In response to inquiries by an Ombudsman Representative, the WSIB stated that implementing the decision of the tribunal required receipt of a new set of medical reports from Mr. S. The Board said that Mr. S was told he would need a diagnosis and detailed lab reports of recent tests. Mr. S was not willing to undergo further tests and maintained that the Board had all the information to implement the award decision. The Board insisted that new tests were needed as the original information was now decades out of date, that there had been no diagnosis at the time of the injury and that the Board did not understand how the original injury had caused Mr. S's various health problems.

The Ombudsman Representative continued discussions with the Board staff, emphasizing Mr. S's advanced age and his desire to have the issue resolved. The Board eventually decided that Mr. S's award would be determined, without precedent, based on the information already on record. Mr. S was then awarded a partial disability which, calculating compound interest and the Older Worker Supplement, totalled $43,000.

Mr. S, however, was not satisfied with this amount and filed an appeal of the award decision with the tribunal. He also complained that the Ombudsman had not been able to change the legislative requirements which allowed the Board to require up-to-date medical reports. While his appeal to the Tribunal is underway, he is now receiving a monthly WSIB pension of $200.

A CANADIAN SUCCESS STORY

A newcomer to Canada contacted our office regarding a delay by the Ministry of Transportation in scheduling a driver's test. Mr. D explained that he had recently arrived in Canada and had found employment as a travelling salesperson but needed a driver's licence to start his new job. His funds were low because he had been required to pay six months rent as an unemployed newcomer. In addition, he was supporting his spouse and two children. An Ombudsman Representative contacted the Ministry of Transportation and explained the complainant's circumstances. The Ministry responded promptly by agreeing to schedule Mr. D's driver's test at an earlier date, allowing him to meet his employment requirements.

HYDRO CROSSES WIRES

Ms E, a senior, called our office to complain about her dissatisfaction with Ontario Hydro. She reported that one day her TV converter, VCR and receiver suddenly blew at the same time. Seeing smoke coming from her electrical outlet, she called the fire department, which investigated but found no fire and told Ms E to call an electrician. The electrician said it was not an electrical problem and encouraged Ms E to call Ontario Hydro. Ms E called Ontario Hydro, which visited her home and said everything was in working order and there were no problems.

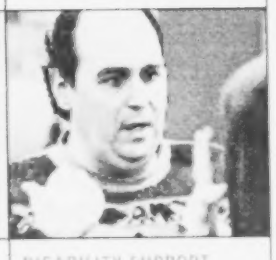
An Ombudsman Representative called Ontario Hydro to make inquiries on Ms E's behalf. It was then determined that Ontario Hydro had done some work on the underground cable line going by her trailer. The Ombudsman representative was told that if Ms E supplied receipts of the costs of repairing or replacing her damaged appliances, these would be reimbursed. Ms E then asked a friend to write the letter. She eventually had her radio repaired, bought a new VCR and had the other items serviced. The total bill was $800 and this amount was paid by Ontario Hydro.

TERMINATED PROGRAM MEETS OBLIGATION

Ms D contacted the Ombudsman's office because she was concerned about not being paid for a course she had taken. Ms D was to have been reimbursed for the cost of tuition through the Ministry of Community and Social Service's Vocation-Rehabilitation (VocRehab) program. Several months later, she had not been reimbursed and was unable to contact anyone to make inquiries because the Ministry had terminated the VocRehab program. As a result, there was no office for Ms D to call.

An Ombudsman Representative was referred to a Ministry employee who was familiar with the VocRehab files. The employee checked Ms D's file and confirmed that she had not been paid for her course. Arrangements were made for the Ministry to reimburse Ms D for her tuition costs promptly.

"Ms M, who is visually impaired, contacted the Ombudsman's office because the allowance she had been receiving from the Ministry of Community and Social Services for her working dog had been terminated."



DISABILITY SUPPORT REINSTATED

Ms M, who is visually impaired, contacted the Ombudsman's office because the allowance she had been receiving from the Ministry of Community and Social Services for her working dog had been terminated. Ms M is in receipt of disability benefits that include an amount to cover the expense of having a working dog. She expressed concern that the Ministry may have terminated the allowance for her dog because they thought her dog was not a necessity. Ms M's disability is not visible, and when she is having a good day, she doesn't appear to be ill. She suggested that staff at the Ministry may not have realized how much she depended on her dog for assistance and reported that she could not afford the extra expense of maintaining a large dog on the income she received from disability benefits.

An Ombudsman Representative called the Ministry and spoke with a supervisor who quickly determined that the allowance for Ms M's dog was deleted in error. Arrangements were made for a cheque to be issued to make up the difference for lost benefits and to reinstate the full allowance.

CHILD SUPPORT ARREARS SEIZED

Ms S had contacted Ombudsman Ontario regarding a concern she had with the Family Responsibility Office (FRO). Her ex-partner was several thousand dollars in arrears with his child support payments. Ms S believed that her only chance at securing some of the arrears was for FRO to seize funds held in trust by her lawyer. The funds were in trust as the result of the sale of the family home and represented the payor's share of a divorce settlement.

Ms S's financial situation was quite desperate. She had no source of income and has a disabled child to care for. She was ineligible for Ontario Works benefits because she had a leased vehicle and the lease agreement was such that she was unable to break the contract. Her situation was also urgent because her lawyer was obligated to release the funds in trust once the court order was signed.

An Ombudsman Representative contacted the FRO to determine if steps could be taken to seize the funds held in trust so that Ms S could obtain the arrears owed to her. FRO staff indicated that although the arrears were owed, they were unable to take action to seize the funds until a copy of the new court order was received. The situation had become a Catch-22: if the court order was signed and sent to the FRO, then the lawyer was legally obligated to release the funds to Ms S's ex-partner, and the opportunity to obtain the arrears would be lost.

The Ombudsman Representative explained to FRO staff the dire financial circumstances that Ms S was facing. After several calls, the FRO agreed to take the necessary steps to seize the funds, provided that the lawyer sent them a copy of the draft court order. The draft order was provided via fax and $2,991 in child support arrears was seized and paid to Ms S.

DEATH CERTIFICATE DELAYED

Ms D, a resident of Quebec, wrote a letter to our office with her complaint of a two-year delay in having an autopsy report completed by the Coroner's Office at the Ministry of the Solicitor General. Ms D's spouse suffered a tragic accident and died while visiting in Ontario. Almost two years later, his widow had applied for his death certificate from the Registrar General's Office, but was told they had no record of his death.

Ms D then contacted the Coroner's office and discovered the final report had not been completed. After several calls and letters from her lawyer to the Coroner's office failed to get a satisfactory response, she contacted our office for help. An Ombudsman Representative contacted the District Coroner's office in Northern Ontario, which was responsible for the autopsy. Following a number of inquiries with the District Coroner, the report was completed and the proper forms were filed with the Registrar's Office. Ms D was then able to obtain her spouse's death certificate.

"Ms N contacted the Ombudsman to discuss her dissatisfaction with the delay in the Ontario Student Assistance Plan (OSAP) issuing her a reimbursement for a childcare bursary."

OSAP FIXES DELAY, APOLOGIZES

Ms N contacted the Ombudsman to discuss her dissatisfaction with the delay in the Ontario Student Assistance Plan (OSAP) issuing her a reimbursement for a childcare bursary. Ms N claimed that she was advised several times it would be only six to eight weeks to review her file and process a reimbursement. She had been waiting over eight months.

OSAP informed an Ombudsman Representative that there was information missing from Ms N's file and advised that, upon receipt of this information, the file would be processed on a priority basis. Ms N provided the documentation to the Ombudsman Representative who then forwarded it to OSAP. Several months later, Ms N again contacted our office to complain, stating that she still had not received her reimbursement. When contacted, OSAP confirmed it had received the documents and that Ms N would receive a refund of $4,200 along with a letter of apology for the delay. Ms N reported a week later that she had received the reimbursement and the letter of apology from OSAP.

ACCOMMODATION FOR MENTAL DISABILITY

Mr. O is an older person with severe mental disabilities. He is lacking memory of details about his life, such as the name of his parents and his date and place of birth. As a child he was placed in the provincial schools system for persons with disabilities and has always received benefits of one type or another from government.

A representative of Mr. O contacted Ombudsman Ontario to explain that Ontario Disability Support Program (ODSP) benefits were about to be terminated because he did not have a valid birth certificate. When the Registrar General was contacted, staff there advised that a birth certificate could not be issued because the complainant could not provide pertinent information.

An Ombudsman Representative contacted Mr. O's ODSP caseworker and confirmed that in exceptional circumstances, ODSP staff can act as a Commissioner of Oath to assist a benefits recipient in swearing an affidavit. The ODSP caseworker advised that if the complainant's representative could provide confirmation from the Registrar General that she could not get a birth certificate for the benefits recipient, then the ODSP would have Mr. O sign an affidavit. The Ombudsman Representative then contacted the Registrar General and was advised that Mr. O's representative could re-submit an application for a birth certificate with a statement outlining his situation. The Registrar General agreed to issue a birth certificate for Mr. O upon receipt of this application.

ODSP RELEASES THE CHEQUE

A psychiatric consumer contacted our office because the Ontario Disability Support Program (ODSP) withheld her benefits for the month of November. Ms Y explained that she had been incarcerated for three days and then hospitalized for approximately two weeks due to a mental illness during that month. An Ombudsman Representative contacted staff at the ODSP who, following a further review, determined that the circumstances warranted the immediate release of Ms Y's cheque.

ALL PARTIES ASSIST IN RESOLUTION

Mr. H contacted Ombudsman Ontario with a complaint concerning Ontario Hydro. A hydro pole was encroaching on his property without proper easement rights and this was contributing to serious drainage problems The drainage issues had been resolved through an arbitration process in which the municipality and a neighbour would compensate Mr. H in return for a drainage easement to the town. Ontario Hydro was also offering compensation to Mr. H for the pole easement. He was, however, reluctant to accept the offer because he did not know if such an easement would be compatible with the municipal easement. Ontario Hydro wanted to see the situation resolved and was contemplating moving the pole completely across the road as an alternative, without any compensation to Mr. H. As a complicating factor, Mr. H had to leave the province for several weeks during this period of time to attend to a family emergency.

An Ombudsman Representative had several discussions with all parties involved to seek an agreeable solution. While Ontario Hydro was firm in its final offer of compensation, Mr. H was still concerned about the municipal easement. The Ombudsman Representative suggested that the municipality write a letter to Mr. H stating their position that the pole location would not interfere with their drainage course. Upon receipt of this letter Mr. H was pleased to settle the matter by accepting Ontario Hydro's offer.

SOLE SUPPORT PARENT GETS LEGAL AID

A sole support parent who had suffered a history as the victim of domestic violence approached the Ombudsman's office via the Internet to assist her. She had been denied certificate coverage to seek a support and custody order by Legal Aid Ontario (LAO). Ms J indicated that over a period of two and a half years she had applied several times but had been denied each time. She said that she was trying to obtain the order while in hiding (she feared for the safety of her children and herself). Ms J had appealed the most recent denial to the Area Committee for LAO but had been denied. She reported that she had not received any notification that she was entitled to an additional appeal to the provincial LAO office.

An Ombudsman Representative contacted the Director of the regional office, who confirmed that applicants should be notified in their decision letters of the appeal process. The Director also said that applicants should provide information on how their application meets the LAO Priority Guidelines. The Ombudsman staff provided this information to the applicant, as well as a referral for obtaining a free copy of the LAO Priority Guidelines. Ms J then decided to apply for coverage again, using the information provided by the Ombudsman staff and the LAO Priority Guidelines. She called back within a week to say that her new application had been approved with maximum coverage. She attributed this result to the information provided by the Ombudsman Representative and the call made to the LAO on her behalf by the Ombudsman staff.

LOST WAGES RETRIEVED

Ms N wrote to the Ombudsman with a complaint against the Ministry of Labour's Employment Standards Branch (ESB). She explained that the ESB had ordered her former employer to pay her termination pay and that when the employer failed to pay, the ESB had a collection agency retrieve the wages. After the collection agency informed her that the entire amount had been forwarded to the ESB, Ms N had to write three different letters to the officer in charge of her claim before she received a reply, four months from the date of her first letter.

In this reply, an Employment Standards Officer explained that there was no protocol to allow for payment of funds that had been received in installments. An Ombudsman Representative contacted the ESB District Manager to make inquiries concerning what seemed like an unreasonable delay in resolving this matter. That same day the ESB reported that the money would immediately be released to Ms N, ten months after it had been received.

KEEPING THE LINES OPEN

Mr. A contacted our office with a complaint about the Ministry of Natural Resources (MNR). Mr. A is a rotary phone user and for this reason it was not possible for him to use MNR's telephone system, which at the time did not provide a rotary phone user with options to either wait on the line to leave a message, or to reach someone directly.

An Ombudsman Representative contacted the Ministry and after some tests, it was acknowledged by the Ministry that there was a deficiency in the telephone system. The Ministry promptly implemented changes to its system so that a rotary phone user can now leave a message or reach someone directly.

FRO ADDRESSES DELAY PROBLEM

Ms H is a recipient of payments from the Family Responsibility Office (FRO). The payor on her case moved to Virginia (USA) in September 1998. Ms H had been trying since that time to have the FRO send her case to the Virginia enforcement office under a Reciprocal Enforcement Support Order (RESO). She had tried to speed up the process by providing the payor's address and work locations. However, problems occurred at the FRO including the loss of her file, errors in calculating the back support owed (arrears), and a necessary delay associated with investigating the payor's false claims of a new order. Ms H had enlisted the support of her lawyer but after a year could no longer afford lawyer's fees. She then approached the Ombudsman's office to complain about the continuing delays, although she did note the extensive efforts made by her Case Owner in attempting to administer her file.

An Ombudsman Representative made inquiries of the Case Owner at the FRO who confirmed there had been delays in processing the file. She acknowledged that the file had been misplaced before the case was sent to her and that she had to rebuild the file completely. She also indicated there were errors in calculating arrears that had to be corrected before sending the file to RESO and that the FRO had to investigate the payor's claim of a new order. As a result of inquiries by our office, the Case Owner placed a priority on all actions on the file and organized a rush delivery with the Court for the certified court orders required. She contacted the lawyers for the recipient and payor and disproved the claims of a new order. She also placed a rush on re-adjusting the arrears, which amounted to nearly $90,000. After two years of delays and within three months of the Ombudsman Representative's involvement, the FRO forwarded the file to Virginia for enforcement.

CLARIFYING RIGHTS OF PEOPLE WHO ARE BLIND

Ms P contacted our office with a complaint about the Ministry of the Attorney General (MAG) and its service delivery with regard to her questions concerning the *Blind Person's Rights Act*.

Ms P is a blind person who has a guide dog. The *Blind Person's Rights Act* authorizes the Attorney General to issue to a blind person an identification card, identifying the blind person and guide dog. The bearer can present this card as proof that the individual is entitled to protection under the *Act*, which makes it an offence to deny a blind person accompanied by a guide dog the accommodation, services, or facilities that would ordinarily be available to members of the public.

Ms P's complaint was specifically related to the statement on the identification card issued by the Ministry on which it was indicated that the Ministry could be contacted "for questions or alleged violations" under the *Act*.

When Ms P called the Ministry with questions about alleged violations under the *Act*, the information provided by the Ministry concerned how she could obtain the card and how to contact the Ontario Human Rights Commission. An Ombudsman Representative who spoke with Ms P made inquiries of the Ministry, which confirmed the information provided by Ms P. As a result, the Ombudsman wrote a letter to the Ministry requesting clarification of its services. In reply, the Ministry acknowledged that although they do not enforce the *Act*, the statement on the identification card could lead to confusion in this regard. As a follow-up to the Ombudsman's concerns, and to prevent misunderstanding about the Ministry's role in the enforcement of the *Act*, the Ministry is now implementing measures to provide more information to the public on the *Blind Person's Rights Act*.

"Ms D, who has a disability and lives on social assistance in a rural area, contacted our office with allegations that Ontario Hydro had not done a meter reading in nine months but had sent her a bill for $1,200."

HYDRO CORRECTS ITS RECORDS

Ms D, who has a disability and lives on social assistance in a rural area, contacted our office with allegations that Ontario Hydro had not done a meter reading in nine months but had sent her a bill for $1,200. She also contended that Hydro was charging her at the commercial rate instead of the residential rate. She reported that Hydro wanted the $1,200 immediately and that this was creating an impossible situation for her. She had attempted to negotiate a repayment plan that would bring the account up to date within 18 months, but Hydro would not accept her proposal and was threatening to cut off her power if she did not commit to being paid up within twelve months.

An Ombudsman Representative contacted Hydro and was informed that meter readings are usually done every three months for residential properties and once a year for cottages. They could not explain why this schedule was not followed for Ms D. As a result of further inquiries, it was discovered that there was indeed a mistake on Ms D's account which incorrectly recorded her property as a commercial user. Evidently this mistake originated when the previous tenant, a restaurant owner, had moved on and Ms D moved in. Despite the landlord having sent the proper forms to Hydro, its records were not updated.

As a result, Hydro agreed to give Ms D two months credit on service charges and to investigate why the meter reading had not been done for nine months. Hydro also undertook to send the necessary forms to Ms D to change her account from commercial to residential and following a reclassification, the amount owing would be revised. Ms D was very relieved to have her situation resolved.

THANK YOU LETTERS

At the conclusion of a satisfactory settlement, regarding the above-noted file, I would be remiss in finalizing the matter if I did not convey my utmost thanks and appreciation to all of those dedicated persons within your organization who worked so diligently on (our) behalf. There is no doubt in my mind that without the support of yourself and those who assisted you, we would not have reached a satisfactory conclusion. In particular, you have been extremely professional. The confidentiality you exercised was understood and appreciated. I want you to know your dedication throughout this long ordeal is recognized with gratefulness. The staff and management of the office of the Ombudsman Ontario has my utmost respect and admiration. Thank you so very much!

I simply wish to express my appreciation for the help and service that I received from a member of your staff. I feel that if we are to prosper as a society it is critical that we have organizations and people such as yours. I consider that I have been blessed with a generous level of opportunity, education and experience in this life but even for me the bureaucracy can be overwhelming at times. I am pleased that others have people such as yours to turn to when the need arises. Thank you for your efforts, information and advice, but even more for your convictions.

I wish to express my gratitude to the office of the Ombudsman and by that I mean the people, the generous, helpful and methodical people who every time I have called for help, help…(they are) a lifeline voice who have never failed to undertake a problem which we, the powerless, simply cannot conquer because of the intransigent bureaucracy of a jail. Thank you one and all.

I would like to take this opportunity to express my gratitude for the way you have handled my case. Your help was greatly appreciated, and without it I don't think that this would be resolved as quickly and effectively as it was. It's very rare that someone takes their time, like you did, to help out in a situation like this. Thanks to you my driver's license was reinstated, and I can proceed with my duties at work. Once again thank you very much.

Thank you for helping me get resolution on my claim to the WSIAT for expenses. The initial claim was made in February of 1996. Although the majority of my claim was paid after 37 months, they were giving me problems on the balance. I anticipated another long and drawn out process. You cut through all the baloney and I received the balance of my claim within six weeks. Fantastic job. Thank you for your help.

I would like to express my sincere gratitude to you for your assistance with my recent problem with the Ministry of Transportation. The situation was going on during the past four months and I was getting to a point of real frustration. Your patience, kindness, phone calls and quick action has put my life back to normal and I am very grateful to this organization and to you for all your help and immediate results. I realize this is part of your job to do these things but you've done an excellent job. Once again thank you very much.

I want to thank you so very much for the kind and efficient manner in which you dealt with our recent problems with the Family Responsibility Office. I don't know if you could have any idea how much of a relief you have given this family after months of unrelenting stress and frustration. Merely saying "thank you" is not enough. Please know that your assistance has made a tremendous difference in our lives. You have given us back our peaceful, happy home.

I am writing this letter to thank you for providing assistance when some of us are confused by the inside logic of our bureaucratic system. Recently I required such help and (staff person) not only responded, but did so with enthusiasm and sincerity. On behalf of the average citizen, thank you for being there and a special thanks to (staff person) for her special effort in my case.

May I take this time to offer my heartfelt thanks to your office and to you personally for helping a guy that was at his wits end. You have restored my faith in the democratic system in this province as the treatment I received for the past few months has been very frightening to say the least…up to the time I contacted you. So, again, thank you for your very fast, efficient, and comprehensive assistance in this matter…you are a valuable member of a vital office for this Province.

About our logo: This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.

MISSION STATEMENT

In striving to achieve our vision, Ombudsman Ontario is committed to the following goals for fairness and service:

- Investigate and resolve complaints efficiently
- Deliver relevant, timely, impartial and accessible services
- Foster objective standards of governmental administration
- Act as a resource to governmental organizations and the public to prevent future complaints
- Increase public awareness of Ombudsman Ontario's services
- Be ethical and accountable
- Encourage teamwork through consultation and communication
- Monitor and evaluate our organizational performance
- Realize individual potential through proactive human resource practices

Design: Campbell Sheffield Design Inc. Photos: Jim Panou

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